

Bail Matter no. 1555/2024
State Vs. Sumit Giri
FIR No. 341/2024
PS Vikaspuri
U/s 33/38 Delhi Excise Act

31.08.2024

This is an application u/s 438 Cr.P.C (482 of the Bhartiya Nagrik Suraksha Sahinta) moved on behalf of applicant/accused for grant of anticipatory bail.

Present: Sh. Dushyant Siwatch, Ld. Substitute Addl. PP for the State.
HC Prahlad Kumar Meena, IO in this case.
Sh. Vikas Tanwar and Sh. Arun Singh, Ld. Counsel for the accused/applicant.

Reply filed by the IO. Same is taken on record. Copy supplied.

Arguments heard.

It is submitted by Ld. counsel for accused/applicant that the applicant in the present matter has nothing to do with the present matter and he has been falsely implicated. It is also submitted that the FIR has been lodged on the basis of false and concocted facts. It is also submitted that co-accused has already been granted anticipatory bail by the court of Ms. Manu Goel Kharb, Ld. Special Judge (NDPS)-02 vide order dated 18.07.2024. It is also submitted that accused/applicant undertakes to join the investigation as and when called by the IO. It is finally submitted by Ld. Counsel for applicant/accused that protection of anticipatory bail be granted to the accused/applicant. Accused/applicant shall comply with all the directions to be imposed by the court.

On the other hand, Ld. Substitute Addl. PP for the State has vehemently opposed the bail application. It is submitted by Ld. Addl. PP for the State that notice u/s 41A Cr.P.C was served upon the accused/applicant but he did not join the investigation. It is also submitted that accused/applicant is a habitual offender. It is also submitted that if accused/applicant is released on bail, he may hamper the investigation or jump the bail and there are likelihood that he may indulge himself in commission of the offence again. It is finally submitted that investigation is at initial stage and anticipatory bail be not granted.

After hearing the submissions of both the parties and after going through the bail application, reply to the bail application and annexed documents, it is observed that recovery has already been effected from main accused who was arrested on the spot. It is also observed that co-accused had already been granted anticipatory bail by the court of Ms. Manu Goel Kharb, Ld. Special Judge (NDPS)-02 vide order dated 18.07.2024. It is also observed that as per previous involvement report as filed by the IO, accused/applicant found not to be involved in the any other offence after year 2019.

In view of the above mentioned, the court has no hesitation in granting anticipatory bail to accused/applicant namely **Sumit Giri** on the following terms and conditions :

- 1) Accused/applicant shall not directly or indirectly or in any such other manner contact or offer inducement or extend threat to the complainant or prosecution witnesses;

2) Accused/applicant shall join the investigation as and when called by investigating agencies;

3) Accused/applicant shall not commit any offence including an offence similar to the offence of which he is suspected.

In the event of his arrest, accused/applicant shall be admitted to bail on furnishing of personal bonds and surety bonds in the sum of Rs. 20,000/- to the satisfaction of IO/SHO concerned.

Nothing stated herein shall tantamount to an opinion of the Court on the merits of this case.

Application is disposed off accordingly.

File be consigned to Record Room. Copy of this order be given dasti through Facilitation Center, South-West Dwarka.

(Vinod Kumar Meena)
ASJ : Special Electricity Court
Dwarka Courts, New Delhi
31.08.2024