

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal Miscellaneous Bail Application No. 15892/2019

Ramnath S/o Vijendra Singh B/c Kushwah, Resident of Village
Aaupura, Police Station Achhnera, Tehsil Kirawali, District
Agra(U.P.)

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Karanpal Singh

For Respondent(s) : Mr. Pankaj Agarwal, P.P.

HON'BLE MR. JUSTICE GOVERDHAN BARDHAR
Order

29/11/2019

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case as he has no criminal antecedents. Counsel further submits that the alleged offence has not been committed by the petitioner.

Learned Public Prosecutor has opposed the application and argued that anticipatory bail application filed by the petitioner is not maintainable as per sub-section (2) of Section 49 of the Rajasthan Excise Act, 1950 as investigation for the offence under Section 19/54 and 54-A of the Rajasthan Excise Act, 1950 is pending before the Investigating Officer.

Taking into consideration sub-section (2) of Section 49 of the Rajasthan Excise Act, 1950 as also the other material made available to me, this court is not inclined to enlarge the petitioner on bail under Section 438 Cr.P.C.

The bail application under Section 438 Cr.P.C. file by the petitioner is accordingly dismissed.

(GOVERDHAN BARDHAR),J