

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1260 of 2015

1. Kamoj Anant, S/o. Komal Anant, aged about 30 years, R/o. Village-Samdil, P.S. Takhatpur, District – Bilaspur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : S.H.O., Police Station – Takhatpur, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent/State : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/12/2015

1. Apprehending arrest in connection with Crime No.213/2015 registered at Police Station- Takhatpur, District – Bilaspur (C.G.), for offence punishable under Section 34 (2) of Excise Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 03.08.2015, the police while patrolling received information that before school, the applicant has kept liquor at the government pump house and was intending to sell the same. The pump house and the field was raided and from pump house, 20.7 liters liquor was seized.
3. Learned counsel for the applicant would submit that, the applicant has been falsely implicated in this case as the seizure was made from the pump house and not from the possession of the applicant. Learned counsel for the applicant, therefore, prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail and would submit that on secrete information received that the applicant has kept liquor in the pump house, raid was made and the applicant fled away. He would further submit that Section 59-A of the Excise Act the Court has no power to entertain the application under Section 438 of Cr.P.C., therefore, the applicant may not be released on anticipatory bail.
5. I have perused the documents, which shows that a report was made by the villagers of Gram Panchayat, Samdil, Janpad Panchayat-Takhatpur signed by the various persons, wherein it is stated that the applicant had kept liquor in the pump house. Primary evidence is collected, which shows the involvement of the applicant, considering the fact I am not inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge