

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 878 of 2015

Kali @ Chandrashekhar Kaushik S/o Ram Kumar Kaushik, Aged About 35 Years
R/o Village Jhulnakala, P. S. Pathariya, District Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through: Station House Officer, P. S. Pathariya, District
Mungeli, Chhattisgarh

---- Respondent

Shri Uttam Pandey, counsel for the applicant/s.
Shri Ashok Swarnakar, Panel Lawyer for the State.

Order On Board

10/09/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.185/15 registered at police station – Pathariya, Distt. - Mungeli, CG for alleged commission of offence under Section 34 (1), 34 (1) (A), 34 (2) & 59 (A) of C.G. Excise Act.

2. Prosecution case is that a substantial quantity of foreign liquor was found near pump house and it is alleged that it was collected and kept by the applicant and other co-accused for illegal vending.

3. Learned counsel for the applicant submits that only on suspicion, because of applicant's criminal background, he has been involved in the present case. Learned counsel submits that the police has not come out with any material, much less statement of any independent witness, who had accompanied raid with the police authorities that the applicant was found at the spot where liquor was kept and escaped from the clutches of the excise authorities.

4. On the other hand, learned State counsel submits that the applicant is a person of criminal antecedents against whom, number of offences are registered and the applicant is involved in illegal vending of liquor.

5. Taking into consideration the submission of learned counsel for the parties, particularly considering that there is no specific material to show that at the spot, where liquor was found and seized, applicant was found and escaped, I am inclined to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the arresting officer on furnishing a personal bond for a sum of Rs.20,000/- with one local surety of the like amount to the satisfaction of the arresting officer with following further conditions that:

- i. the applicant shall make himself available for interrogation by the police officer as and when required;
- ii. the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
Judge