

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 461 of 2016

1. Sanjay Kumar, Aged About 39 Years S/o Vijay Kumar Verma,
 2. Ajay Kumar, Aged About 36 Years, S/o Vijay Kumar Verma,
 3. Kush Verma, Aged About 31 Years, S/o Vijay Kumar Verma,
 All are R/o Datrengi, P.S. Bhatapara (Gramin), Civil And Rev.
 District Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police Station
 Bhatapara (Gramin), Civil And Revenue Distt. Baloda Bazar-
 Bhatapara Chhattisgarh.

---- Respondent

For applicants – Shri A.P. Sharma, Advocate.
 For Respondent/State – Shri Vinod Tekam, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/07/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicants apprehending their arrest in connection with Crime No. 71/2016 registered at Police Station Bhatapara (Gramin), Civil and Revenue District Baloda Bazar-Bhatapara (C.G.) for offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution case on 23/03/2016 the Sarpanch of village Panchayat Datrengi alongwith other villagers went to the applicants field wherein pump house also situates and caught hold of the liquor and the police also reached there, thereafter prepared panchnama and 44.82 bulk litres of liquor was seized from the applicants.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and it is open place wherefrom the liquor has been alleged to have been seized, therefore allegation cannot be attributed to these applicants and they may be granted benefit of

anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the documents and the statement of Gouri Bai, Sarpanch who has stated that she alongwith the other ladies raided the house of the applicants and seized the liquor. Taking into such statement and the fact that the place wherefrom liquor was seized belong to the applicants and in view of bar under Section 59-A (i) of Chhattisgarh Excise Act, 1915, this court is not inclined to extend benefit of anticipatory bail to the applicants.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE