

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 320 of 2016

1. Govind Hinduja, S/o. Shri Lilaram Hinduja, aged about 30 years, R/o. Near High School, Ratanpur, P.S. - Ratanpur, Tahsil-Kota, District – Bilaspur (C.G.), Civil and Revenue District - Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, P.S. - Ratanpur, District – Bilaspur (C.G.)

---- Respondent

For Applicant	: Mr. Mateen Siddiqui, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/04/2016

1. Apprehending arrest in connection with Crime No.18/2016, registered at Police Station- Ratanpur, District – Bilaspur (C.G.), for offence punishable under Section 34 (A), 2 of Chhattisgarh Excise Act, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, on 17.01.2016 on an information received, one Manharan Suryawanshi alongwith the applicant selling the illegal liquor, therefore, the house of Manharan Suryawanshi was raided and from his possession 117 liters of liquor was recovered. Subsequently on enquiry made, it was found that the said liquor belonged to the present applicant, which was kept at the instance of the present applicant in the house of Manharan Suryawanshi.
3. Learned counsel for the applicant would submit that no evidence is available against the present applicant and only on the basis of statement of the accused, Manharan Suryawanshi, the present

applicant has been inculpated in this case, which is inadmissible, therefore, he 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.
5. Perused the case diary. The case diary contains the statement of Goverdhan Singh and Ram Sai Sahu, who have categorically stated about the involvement of the applicant in sale of the liquor before raid is made. Taking into such statements it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge