

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 731 of 2016

1. Kundan Singh, S/o. Late Shri Ramdhin, aged about 30 years, R/o. Village-Navagaon, Police Station & Post Patewa, Civil and Revenue District – Mahasamund (C.G.)
2. Purushottam Gajendra, S/o. Late Shri Bholaram Gajendra, aged about 38 years, R/o. Village Torela, Police Station & Post Patewa, Civil and Revenue District – Mahasamund (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Police Station – Patewa, District – Mahasamund (C.G.)

---- Respondent

For Applicants : Mr. Manoj Paranjpe, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/08/2016

1. Apprehending arrest in connection with Crime No.81/2016 registered at Police Station- Patewa, District – Mahasamund (C.G.), for offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, the applicants have preferred this application for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 09.05.2016, the villagers recovered 64.260 liters of liquor in a pit. Thereafter a meeting was carried out and in the meeting it is alleged that the applicants have admitted that the liquor belonged to them. Thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the seizure of liquor has not been made by the authorized persons under the Excise Act and the villagers have seized the liquor and the applicants have been falsely implicated in this case and neither the applicants were apprehended on the spot nor they were present

and only the allegations have been attributed. Therefore, it is prayed that the applicants may be extended the benefit of Section 438 of Cr.P.C.

4. Per contra, learned State counsel opposes the application for grant of anticipatory bail.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and the documents. Considering the fact, the seizure has been made by the villagers, wherein the applicants were not at all present and admittedly the power has not been delegated to the villagers to seize the liquor. Taking into such facts and circumstances of this case, this Court is inclined to extend the benefit of anticipatory bail to the applicants, as custodial interrogation of the applicants may not be required in this case.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge