

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 1303 of 2015

Smt. Parmeshwari, W/o. Kheu Ram Sahu, aged bout 31 Years, R/o House No. 51, Village Patpar Pali, Tahsil Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Excise Department, Flying squade, Raipur (C.G.)

---- Respondent

For Applicant	:-	Mr. Hemant Gupta, Advocate.
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22/01/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 226/2015, registered at Police Station – Excise Department, State Flying Squad, District – Raipur, (C.G.) for offence punishable under Sections 34(1) (क) (2), 59 (ad) of Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 06.08.2015, a matador Tata 407 bearing registration No. CG. 04-JB 5054 was illegally transported the illicit liquor over and above against the permit which was near about 2520 bulk liters. It is alleged that for the transportation of the said illicit liquor forged passbook and bills were used by the applicant. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that initially the applicant was directed to shift her shop from 100 meters away from the National State High Way, thereafter, the shop was shifted by the applicant which was verified on 03.07.2015. He further submits that no documents were produced to show that the applicant was in possession of the property, therefore, the applicant may be given the benefit of anticipatory bail.
4. State counsel opposes the prayer for grant of anticipatory bail and submits that according to panchanama the applicant was directed for shifting of her shop and permitted of 200 boxes were allowed to shift . On verification 280 excess boxes near about 2520 bulk liters of illicit liquor was seized from the shop of the applicant, therefore, she should not be given the benefit of anticipatory bail.
5. Perused the case diary and the panchanama. Perusal of the case diary and the Panchanama shows that there is permit of 200 boxes, but in the shop of the applicant 280 excess boxes of illicit liquor were seized. Considering the facts and circumstances of the case and the evidence which available against the applicant and in view of section 59 (क) of Chhattisgarh Excise Act 1950, this Court is of the opinion that it is not a fit case where the applicant can be extended the benefit of anticipatory bail.
6. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE