

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 834 /2016

Madan, S/o. Baliram Dewangan, Aged About 42 Years, R/o. Nagar Panchayat Parpodi, P.S. Parpodi, Tahsil Saja, District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Civil & Revenue District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate.

For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/09/2016

1. Apprehending arrest in connection with Crime No.74/2016 registered at Police Station- Parpodi, District Bemetara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 17.07.2016 on a raid being conducted on Dhaba at village Gatapar in a room constructed therein, total 76.55 bulk liters of illegal liquor was recovered and the said Dhaba was being run by the present applicant and he was in possession of the said Dhaba and as such the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been awarded by Samajveer Award 2008 and also he is running a business of Sales Agency of Hero Honda Motorcycle and he is a tax payer and predominantly it is stated that the room wherefrom the liquor was recovered belonged to Raghvendra Singh

and the applicant who was a lessee had further subletted the same to one Tulsi Ram Nishad and the Betal shop, therefore, the applicant was not in possession of the same and he relied on the document Annexure A-2, which is an Ikrarnama, which shows that the said room was subletted to Tulsi Ram Nishad and therefore the counsel would submit that the applicant was not in physical possession and control of the room wherefrom the liquor was recovered and he has been falsely implicated for the political rivalry and as such, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the statement of Nand Kishor who is running the Dhaba and Anil Goswami who is running the Betal shop and they have stated that the key of the room wherefrom the liquor was recovered was in possession of the applicant. Considering such statement and statutory bar for anticipatory bail, this is not a case where the benefit of anticipatory bail can be extended to the applicant.
6. Accordingly, the instant bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge