

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1107 of 2016**

1. Narsingh, S/o. Santosh Sonwani, aged about 32 years, R/o. Village-Navagaon, Police Station – Pallari, District – Balodabazar-Bhatapara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Pallari, District – Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant	: Mr. Sanjeev Das, Advocate
For Respondent/State	: Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/01/2017**

1. Apprehending arrest in connection with Crime No.383/2016 registered at Police Station- Pallari, District – Balodabazar – Bhatapara (C.G.), for offence punishable under Section 34(2) of Excise Act, the applicant has preferred this application for grant of anticipatory bail.
2. The case of the prosecution, in brief, is that on 29.09.2016 on information received that one person is trying to sell the liquor and is travelling in the motor cycle bearing No.C.G.-04EX-2392. Subsequently one person was seen while he was coming and when the police tried to intercept, the person stopped the vehicle and fled away from the spot and the vehicle was bearing No.C.G.-04EX-2392 which belonged to the present applicant. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case and in fact the vehicle was

taken away by some of the villager and he has done the mischief and the applicant has not apprehended on the spot and only on the fact that the vehicle belonged to the applicant, he has been inculpated in the crime. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, learned counsel for the State opposes the bail application.
5. I have heard the learned counsel for the parties.
6. Perused the case diary and the documents. It appears that the vehicle bearing No.C.G.-04EX-2392 was seized when it was stopped in a way and person appears to have fled away. The vehicle belonged to the present applicant and the matter is still under investigation as to whether the applicant was travelling in the vehicle on the date or not. Taking in to such facts and circumstances, it is not a case, where the benefit of Section 438 of Cr.P.C. can be extended to the applicant 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.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge