

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1177 of 2016**

- Dinesh Verma S/o Omprakash Verma Aged About 21 Years
Occupation - Agriculturist, R/o Village - Chhipa, Thana - & Tahsil -
Dongargarh, Civil & Revenue District - Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police
Station - Dongargarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****04-01-2017**

1. Apprehending arrest in connection with Crime No. 440 of 2016 registered at Police Station Dongargarh, District Rajnandgaon (CG), for offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915 (for short, "the Act, 1915"), the applicant has preferred this application under Section 438 of the Cr.P.C.
2. As per case of the prosecution, on 11-10-2016 a report was made by complainant Bharat Lillahare, Sarpanch of Gram Panchayat, Chhipa that he received information that the present applicant along with other co-accused person are selling liquor in the village and as such the applicant along with other co-accused while carrying the liquor, was intercepted and arrested on the spot and during such incident the present applicant fled away and the liquor was seized from co-accused Sonu @ Chandrakant and thereby the aforesaid offence has been committed.

3. Learned counsel appearing for the applicant would submit that it is not a case of Police tried to arrest and the applicant fled away from the spot. He would further submit that the applicant has been falsely implicated in this case and as per Sections 51 and 52 of the Chhattisgarh Excise Act, 1915, only power is vested to certain officers and not the villagers, therefore, false allegations at this stage cannot be ruled out, therefore, the present applicant may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties, perused the case diary and documents which would show that seizure of liquor was made from Sonu @ Chandrakant by the villagers and Dehati Nalsi would also show that the villagers tried to apprehend and caught hold of the present applicant and other co-accused and the present applicant fled away.
6. Taking into consideration all the facts and circumstances of the case and further considering the provisions of Sections 51 and 52 of the Act, 1915, I am of the considered opinion, *prima facie*, that it is a fit case where benefit of Section 438 of the Cr.P.C., can be extended to the applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:

- (i) that the applicant shall make herself available for interrogation before the Investigating Officer as and when required.
- (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju