

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 804 of 2017

Gurbaksh Singh S/o Shri Ravel Singh, Aged About 50 Years R/o
Ward No. 09 Manedragarh, District Koriya Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Police
Station Manedragarh, District Koriya Chhattisgarh.

---- Respondent

For applicant – Shri Achyut Tiwari, Advocate.
For Respondent/State –Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

13/10/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 181/2017 registered at Police Station Thana Manendragarh, District Koriya (CG) for offence punishable under Section 34 (2), 41, 42 of Excise Act.
2. As per the prosecution case, on 6/06/2017, 51 liters of liquor was seized from the premises factory situated over khasra No.99/2 and at the time of raid co-accused Ashok Mishra was present there. Subsequently, on enquiry it revealed that premises belong to the present applicant and the applicant was engaged in the business of sale of illegal liquor and he has encroached upon such land and was actually dealing in business, therefore offence has been committed.
3. Learned counsel for the applicant submits that only on the basis of the statement of Prem Singh applicant has been inculpated neither he is the owner or in possession of premises over khasra No.99/2 at Shankargarh nor has any control over it and the other co-accused he has been enlarged on regular bail and the witnesses have been examined, they have not supported the case of the prosecution, therefore applicant

may be extended benefit of anticipatory bail.

4. Learned State counsel vehemently opposes the prayer for grant of bail.

5. Perused the case diary as also the report given by the Patwari wherein it shows that premises wherefrom the liquor was seized was held in possession by the applicant. The premises wherefrom liquor was seized name of the factory was shown as KGS factory which belong to the applicant. Perused the statement of Sanjeev Honhaga and Prem Singh. Taking into such fact, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE