

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 63 of 2018**

Ramnath Manhare, S/o. Late Shri Hatthe Manhare, Aged About 60 Years,
R/o. Village Kharora, Tehsil and Police Station -Kharora, District (Revenue
And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Pallari, District (Revenue
And Civil) Balodabazar Bhatapara Chhattisgarh.

---- Respondent

AND**M.CR.C.(A). No. 88 of 2018**

Sheshnath Ojha, S/o. Shri Vasudev Ojha, Aged About 35 Years, R/o.
Bhilai, Durg, Police Station -Bhilai, District -Durg, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station
-Pallari, District Balodabazar -Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	: Mr. B.P. Singh, Advocate & Mr. Sanjeev Das, Advocate
For Respondent/State	: Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/04/2018**

- Both the anticipatory bail applications have been heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. Apprehending arrest in connection with Crime No.328/2017, registered at Police Station – Pallari, District – Balodabazar – Bhatapara for offence punishable under Section 34 (2) of C.G. Excise Act, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No liquor has been seized from the possession of the applicants. Name of the applicant Ramnath Manhare has appeared in the memorandum statement of the one of the co-accused person and applicant Sheshnath Ojha has been implicated only for the reason that he is the registered owner of the vehicle, in which the liquor was being transported by the main accused persons. No case is made out against the applicants. Therefore, it is prayed that, the applicants may be benefited with grant of anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that under Section 59(a) of C.G. Excise Act, any application for anticipatory bail can not be entertained. Therefore it is prayed that the applications may be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. On 21.09.2017, the police personnel of police Station – Palari, District Baloda-Bazar – Bhatapara stopped the vehicle bearing registration No.C.G.07-AQ-7376 and a motor cycle bearing No.C.G-04-KQ-04-3290 on which the huge quantity of liquor was being transported. In total 224.460 foreign liquor was seized from

the co-accused persons on the spot. Accused Lalit Chelak and Vijay Chelak, who were arrested on the spot have given memorandum statement stating that this applicant – Ramnath Manhare is also involved in the said transportation of liquor.

7. Considered the submissions made and the contents of the case diary. None of the witnesses examined under Section 161 of Cr.P.C. have given statement against both the applicants. Looking to the evidence i.e. proposed against this applicants for their prosecution and considering the facts and circumstances of this case, this Court is of the opinion that it is a fit case, where the applicants should be extend the benefit of Section 438 of Cr.P.C.
8. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :
 - (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram