

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No.157 of 2018**

Sajid Khan, S/o Salim Khan, aged about 34 years, R/o Saksharta Chowk, Shastri Nagar, Camp 01, Bhilai, Tahsil and District Durg, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through S.H.O. Out Post Jevrasirsa, Police Station Pulgaon, District Durg, Chhattisgarh

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent	:	Shri Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****1.5.2018**

1. The Applicant is apprehending his arrest in connection with Crime No.6 of 2018 registered at Police Station Pulgaon, Out Post Jevrasirsa, District Durg for offence punishable under Section 188 of the Indian Penal Code, Section 2(1) of the Khadya Suraksha Evam Manak Adhiniyam, 2006, Viniyam 2, 3, 4 of Vikray Pratishedh Adhiniyam Evam Nirvighna Viniyaman, 2011 and Section 31(1) punishable under Sections 59 and 63 of the Vikray Pratishedh Adhiniyam.
2. Facts of the case, in brief, are that on 3.1.2018, police of Police Chowki Jevrasirsa intercepted a Metador 407 bearing registration No.CG 07 BA 5193. During search of the vehicle, 16 plastic bags were found kept in the vehicle and in those bags Gutkha worth Rs.6,30,000/- was kept which was being transported for different customers. The vehicle was being driven by Shahid Ahmed. The Applicant is owner of the said vehicle. Aforestated Crime No.6 of 2018 was registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is owner of the said vehicle. The driver of the vehicle was transporting Gutkha in his vehicle without his knowledge. When the Applicant filed an application to get his vehicle back on supurdnama, he came to know that the present offence has been registered against him. The main accused from whom Gutkha was seized has been extended benefit of regular bail by the Trial Court. No direct involvement of the Applicant is found in the offence in question. Therefore, the Applicant may be granted anticipatory bail.
4. Learned Counsel appearing for the State/Respondent opposes the prayer for grant of anticipatory bail.
5. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
6. In view of the facts and circumstances of the case, particularly that the Applicant is only the owner of the vehicle, Gutkha was not seized from him, the main accused from whom Gutkha was seized has been granted regular bail by the Trial Court, in my considered opinion, the Applicant is entitled to be released on anticipatory bail.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs.10,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the

concerned Trial Court. He shall also abide by all the following terms and conditions:

- (i) He 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
JUDGE