

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 781 of 2018**

Tikam Kanshari, S/o. Mahhetter Lal Kanshari, Aged About 32 Years, R/o. Village Champa, P. S. And Tahsil Champa, District Janjgir Champa Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Chowki Pantora, Police Station Baloda, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/08/2018**

1. Apprehending arrest in connection with Crime No.102/2018, registered at Police Station – Baloda, Police Chowki- Pantora, District – Janjgir-Champa (C.G.) for offence punishable under Section 34 (2) of Excise Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case only on the basis of the memorandum statement of the co-accused person. No case is made out against the applicant on the basis of the material present in the case diary. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. Police personnel of police Chowki- Pantora, under police station – Baloda, District – Janjgir-Champa made a seizure of 28.640 bulk liters of illicit liquor from the possession of one of the co-accused Satish Yadav @ Bata. It is alleged that this applicant was also present on the spot but seeing the police personnel had fled away.
6. Considered the submissions made and the documents placed on record. Considering on the entire material present in the case diary and looking to the evidence i.e. proposed against the applicant for his prosecution against this applicant and the bar under Section 59(a) of C.G. Excise Act shall not be applicable in this case, hence for this reason, this Court is of the opinion that present is a fit case, in which the applicant should be extended the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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 executing a personal bond in sum of Rs.25,000/- with one 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 himself 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) that 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/-
(Rajendra Chandra Singh Samant)
Judge

Balram