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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 863 of 2018**

Dhanraj Lahre S/o. Shri Budhram Lahre, Aged About 24 Years R/o. Village-Pachari, Thana Patewa, Tahsil Civil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Station House Officer Police Station Tendukona, Civil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sunil Sahu, Advocate.
For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.08.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 7 of 2018, registered at Police Station – Tendukona, District – Mahasamund, Chhattisgarh for the offences punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case only on the basis of the memorandum statement given by the co-accused persons. The applicant was not present on the spot when the seizure of illicit liquor has been made. Hence, it is

prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. The police personnel of P.S. Tendukona, District Mahasamund made a seizure of 38 bulk liters of Zebra-brand country liquor. Thereafter, the co-accused made a statement to the police officer that the applicant was also present in helping in transportation of the said liquor. Hence, this case.

7. The applicant was not arrested on the spot and the only evidence against him is the so-called memorandum statement given by the co-accused persons. Hence, for this reason, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. 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 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 them 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge