

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1163 of 2018

1. Kriparam Jangde S/o Ganeshram Jangde, Aged About 32 Years, Vill.- Pangaon P.S.- City Kotwali, Balodabazaar District-Balodabazaar-Bhatapara, Chhattisgarh, District : Balodabazaar-Bhatapara, Chhattisgarh
2. Devnarayan Kurrey S/o Mayaram Kurrey, Aged About 42 Years, Vill.- Pangaon, P.S. City-Kotwali, Balodabazaar, Dist- Balodabazaar -Bhatapara Chhattisgarh., District : Balodabazaar-Bhatapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through P.S.- City Kotwali, District Balodabazaar Bhatapara, Chhattisgarh, District : Balodabazaar-Bhatapara, Chhattisgarh

---- Non-applicant

For Applicants – Ms. Anchal Kumar Matre, Advocate.

For Non-applicant/State – Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-10-2018

1. Apprehending arrest in connection with Crime No.483/2018, registered at Police Station – City Kotwali, Balodabazaar, District Balodabazaar-Bhatapara, Chhattisgarh for offence punishable under Section 34(2) of Excise Act, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. The seizure of illicit liquor has not taken place from these applicants. The other accused namely Lorik Banjare has falsely implicated these applicants without there being any connection of these applicants with the offence committed. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application submitting that under Section 59(A) of the Excise Act the application for anticipatory bail is not maintainable, hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident police personnel of P.S. City Kotwali, Balodabazaar raided the premises of Shobharam Kurre where 63 bulk liter of foreign liquor was seized from the possession of accused Lorik Banjare who was present there. It is stated by the witnesses that Lorik Banjare has named these applicants as his partners. Hence, this case.

6. After considering on the evidence present in record, I am of this opinion that bar under Section 59(A) of the Excise Act shall not be applicable in this case, hence, the application should be allowed.

7. Accordingly, the anticipatory bail application is allowed. It is directed that in the event of arrest of these applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them 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. These applicants shall also abide by the following conditions :

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge