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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 465 of 2017**

Rajesh Singh S/o Rajnarayan Singh, Aged About 37 Years R/o.
Deepak Nagar, Durg, District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate/ Police Station
Pulgaon, District Durg Chhattisgarh.

---- Respondent

For the Applicant	:	Shri S.C. Verma, Advocate.
For the Respondent/State	:	Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.01.2018**

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. 181 of 2017, registered at Police Station – Pulgaon, District – Durg, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. It is submitted by counsel for the applicant that the applicant is innocent and has been falsely implicated in this case, only for the reason that he was the landlord of the premises which has been rented out to the co-accused. The co-accused misused the terms of the tenancy contract and stored the foreign liquor illegally in the same premises. It is also submitted

that there is no legally admissible evidence in this case. After completion of investigation, the charge-sheet has been filed. 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. It is submitted that as per the memorandum statement of co-accused - Krishna Pal the applicant is running a business of selling liquor in shops and restaurants and it was on his instructions the liquor was stored in his rented premises. Hence, the applicant is not entitled for grant of bail.

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

6. The case is that 11,303.49 bulk liters of foreign liquor was found in possession of co-accused - Krishna Pal. On the memorandum statement given by the co-accused, this fact was reflected that the applicant is the owner of the premises. It is alleged that the co-accused is a tenant and it was under the direction of this applicant the said quantity of foreign liquor was stored in the same house.

7. Considering the submissions and the contents of the case-diary, and taken into consideration the evidence i.e. proposed against the applicant for his prosecution, 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