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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1244 of 2018

- Ashish Humne S/o Late Silak Chand Humne Aged About 32 Years R/o Sevtapara, Dongargaon, P. S. / Tehsil Dongargaon, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Manpur, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Shaleen Singh Baghel, Advocate.

For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-10-2018

1. Apprehending arrest in connection with Crime No.52/18, registered at Police Station – Manpur, Distt. Rajnandgaon (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. He has no connection with the crime committed by the other co-accused persons. His name has appeared in the FIR in which the source of that information has not been revealed by the informant. Hence, no case is made out against this applicant. Hence, it is prayed that this applicant may be benefited with grant of anticipatory bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident police personnel of P.S. Manpur, District Rajnandgaon stopped a TATA Sumo vehicle and it was found that 25 cartons of foreign liquor was being transported by that vehicle which was seized accordingly from the accused persons present on the spot. The FIR reveals the name of this applicant that on his asking other accused persons were

transporting the liquor.

6. There is no witness to support this statement in the FIR. Hence, after due consideration on all the material present in the case diary, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge