

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1261 of 2018

- Jitendra Pandey S/o Indramani Prasad Pandey Aged About 24 Years
R/o H.No.58 Ward No. 05 Mahur Machandur Rajnandgaon District
Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station
Chilhari Distirct Rajnandgaon Chhattisgarh., District : Rajnandgaon,
Chhattisgarh

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.
For Respondent/State : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

24/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.019/2018 registered at Police Station-Chihati, District – Rajnandgaon(C.G.), for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. Learned counsel for applicant submit that applicant is innocent and has been falsely implicated in this case. It is not denied that the applicant is owner of the seized vehicle. The fact is this, that the applicant had entrusted vehicle with his driver Ranjit Singh and the vehicle was sent to Nagpur for conveyance of some passengers. While returning from Nagpur the driver of the vehicle had without the consent

of this applicant carried a load of illicit liquor which was seized from the abandoned vehicle. This applicant is not responsible in any manner for offence committed if any, hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the application for anticipatory bail cannot be entertained under the provisions of Section 59(A) of C.G. Excise Act, hence, the application be rejected.
4. Heard the parties and perused the case diary.
5. On the date of incident police personnel of PS-Chilhathi made a seizure of 270 liters of foreign liquor from one abandoned vehicle. The only circumstance against this applicant is this, that he is the registered owner of the same vehicle.
6. After over all consideration on all the material present in the case diary, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge