

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1312 of 2018

- Santosh Randhava @ Sonu S/o Sarvjeet Singh, Aged About 33 Years, R/o Village Camp 02, Bhilai, P. S. Khursipar, Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Tarun Dansena, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-10-2018

1. Apprehending arrest in connection with Crime No.242/2015, registered at Police Station – Khamtarai, District Raipur, Chhattisgarh for offence punishable under Section 34(2) of Excise Act, 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. No seizure of illicit liquor has been made from 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 submitting that this applicant has previous criminal records, hence, he may not be granted anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. In total 86.400 bulk liter foreign liquor was seized from a vehicle which was being transported by the co-accused persons. It is alleged that this applicant was also in the car, who fled from the spot before the police party arrived. Hence, this case.
6. Considering on the evidence present in the case diary and also this fact

that it is a case of 2015 and as informed by learned counsel for the applicant that co-accused persons have been acquitted in the trial, therefore, after due consideration, 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