

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1097 of 2017

Kamal Verma S/O. Shri Baratlal Verma, aged about 29 years. R/o Village-Muteda, Thana & Tahsil-Khairagarh, Civil & Revenue Distt- Rajnandgoan (C.G.)

----Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police outpost- Mohara, Police Station Dongargarh, Civil and Revenue, District Rajnandgoan, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Aaditya Sharma, P.L. .

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/02/2018

- 1 Apprehending arrest in connection with Crime No.396/2017, registered at Police Station – Dongargarh, outpost-Mohra, District – Rajnandgaon (C.G.) 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 the learned counsel for the applicant, that the applicant has been falsely implicated in this case. 5.400 bulk liters of liquor was seized from the co-accused Kamlesh Verma and it was stated that by Kamlesh Verma in his memorandum statement he has obtained the said liquor from this applicant. This is only piece of evidence against this applicant in the case that is being investigated against him, hence, no case is made out against this applicant. Therefore, it is prayed that the applicant be granted anticipatory bail.

- 3 Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that under the provision of Section 59(a) of C.G. Excise Act, application for anticipatory bail is barred, hence applicant is not entitled for grant of bail.
- 4 I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
- 5 On the date of incident, police party raided the place of residents of co-accused – Kamlesh Verma and seized 5.40 bulk liters of foreign liquor. The co-accused stated in his memorandum statement that he has purchased the said liquor from this applicant.
- 6 As no seizure has been made from this applicant and so far as there is no legally admissible evidence has been found against this applicant in the investigation i.e. being conducted, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
- 7 Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
- 8 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 applicants shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram