

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A). No. 1163 of 2017

- Rajesh Mishra S/o Shree Dashrath Prasad Mishra, Aged About 49 Years R/o Makan No. 202, Shardapara, Near Durga Mandir, Camp-2 Ward No. 25, Sant Ravidas Nagar, Bhilai Nagar, Tehsil And District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Nandani, District Durg, Chhattisgarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Mahendra Dubey, Advocate

For Respondent/State : Mr. Vijay Bhadur Singh, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.02.2018

1. Apprehending arrest in connection with Crime No.237/2017 registered at Police Station- Nandani, District – Durg, Chhattisgarh, for offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Only on the basis of memorandum statement given by the co-accused person. Apart from that there is no direct evidence in the prosecution case, therefore, it is prayed that the applicant is entitled for grant of anticipatory bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. The prosecution case is that 216 bulk litres of foreign liquor was seized from a vehicle which was occupied by co-accused persons. Applicant's name was mentioned by co-accused in his statement before the police, that the said liquor was purchased from him.
6. Considered on the submission made and contents of the case diary. Further, Taking into consideration all the facts and circumstances of this case, this Court is of the opinion that the case of anticipatory bail is made out in favour of the applicant, hence, the applicant should be enlarged 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 offences, 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge