

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1466 of 2018

- Ramjit S/o Jagbandhan, Aged About 45 Years, R/o Village Pipra, P. S. and Tahsil and District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Smt. Madhunisha Singh, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-11-2018

1. Apprehending arrest in connection with Crime No.319/2018, registered at Police Station – Surajpur, District Surajpur, Chhattisgarh for offence punishable under Section 34(2) of Chhattisgarh 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 only on the basis of the memorandum statement given by co-accused Pawan Sai. The house from which the alleged illicit liquor has been recovered and seized does not belong to this applicant and this applicant had also not employed the co-accused person to manufacture and sell illicit liquor on his behalf. 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 according the statement given by the co-accused, this applicant was owner of the house and it was on his instruction the co-accused was manufacturing and selling illicit liquor, hence, the application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.
5. On the date of incident police personnel of Police Station Surajpur,

District Surajpur raided a house in which co-accuse Pawan Sai was found present who led the discovery and seizure of 42 bulk liter illicit country made liquor. Name of this applicant has appeared in the memorandum statement given by the co-accused.

6. After considering on the entire 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