

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 104 of 2019**

Balkar Singh, S/o. Late Shri Harbansh Singh, Aged About 58 Years, R/o. Ward No. 34, Punjabi Mohalla, New Khursipara Bhilai, Thana Khursipara, Tehsil Bhilai, District Durg, Chhattisgarh.

----Applicant***Versus***

State Of Chhattisgarh, Through : Aarakshi Kendra Salhewara, Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Mateen Siddiqui, Advocate
For Respondent/State : Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/02/2019**

1. Apprehending arrest in connection with Crime No.41/2018, registered at Police Station – Salhewara, District – Rajnandgaon (C.G.) for offence punishable under Section 34 (2) of the C.G. 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. No case is made out against the applicant on the basis of the material present on record. This applicant was not present on the spot from where seizure of illicit liquor was made. The applicant has been arrayed as an accused only for the reason that he is registered owner of the

seized vehicle. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the application under Section 438 of Cr.P.C. can not be entertained looking to the bar under Section 59-A of the C.G. Excise Act, therefore, the application be rejected.
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 personnel of Police Station – Salhewara made seizure of 945 bulk liters of foreign liquor being transported in Truck bearing registration No.C.G.-04-JB-2479 accordingly seizure was made from co-accused persons, who were present on the spot.
6. Considered the submissions made and the contents of the case diary. As it is clear that this applicant was not present on the spot, hence, after due consideration and for the reason that similarly placed co-accused person has been enlarged on anticipatory bail, 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 applicant 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