

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 262 of 2019**

Kshirsagar Patel (wrongly mentioned as Kheersagar), S/o. Dular Singh Patel, Aged About 44 Years, R/o. Village- Timarlaga, Police Station- Sarangarh, Taluka- Sarangarh, District- Raigarh, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Excise Area- Sarangarh, Taluka- Sarangarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Abhisek Saraf, Advocate
For Respondent/State	: Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/03/2019**

1. Apprehending arrest in connection with Crime No.59/2018, registered at Police Station – Sarangarh, District – Raigarh (C.G.) for offence punishable under Section 34 (1) (a) b, 34 (2), 59-a 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 in the case diary. Seizure of illicit liquor has been made from the house of this applicant, which was under construction, therefore that house was not in exclusive possession and use of this applicant. On the contrary, it was approachable and accessible to any person, who may have wanted to enter and store and hide something in it. This applicant does not have any criminal antecedent of the commission of offence of kind, which has been registered against him.

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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. 20.700 bulk liters of country liquor was seized from the house under construction belonging to this applicant. Hence, this case.
6. Considered the submissions made and the contents of the case diary. According to the submissions made by the applicant that he has case to defend, the house under construction was not in his personal use, hence under these circumstances, 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