

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 327 of 2019**

Anuj Singh Rajput Alias Kailash S/o Rajkumar Singh Aged About 38 Years
R/o Near Vidhya Bharti School, Sanjay Gandhi Ward Balodabazar, District
Balodabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhatapara,
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Police Station Bhatapara (Rural), District
Balodabazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhatapara,
Chhattisgarh.

---- Respondent

For the Applicant : Ms. Supriya Upasane, Advocate.
For the Respondent/State : Shri I. Lakra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.03.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 338 of 2017, registered at Police Station Bhatapara (Rural), District Baloda Bazar, Chhattisgarh for the offence punishable under Sections 420, 409, 120B and 272/ 34 of the Indian Penal Code, Section 25 of the Arms Act and Section 34(2) of the Excise Act.

3. It is submitted by 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 placed before the Court by the prosecution. Neither there is direct statement of any witness nor any seizure of articles from the applicant is there in the investigation made so far. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant was the person who had supplied the illicit liquor by smuggling it from Madhya Pradesh to Chhattisgarh. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged, the police personnel of police station made a seizure of 260 quarters of adulterated liquor from the other co-accused persons. On an enquiry made, the co-accused persons stated to the police that the applicant had smuggled and supplied the liquor. Hence, this case.

7. As there is no statement of any witness and also no seizure was made from the applicant, I feel inclined to grant anticipatory bail to the applicant.

8. 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 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 them 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