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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 386 of 2019

- Shantilal Malhotra S/o Shri Rengsa Malhotra, Aged About 67 Years, R/o Village - Bhilaidadar, Thana - Komakhan, Tahsil - Bagbahra Civil And Revenue District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Excise Officer, Excise Circle Bagbahra, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-03-2019

1. Apprehending arrest in connection with Crime No.15/2018, registered at Police Station – Excise Circle Bagbahra, District- Mahasamund, Chhattisgarh for offence punishable under Section 34(2) of the 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. The applicant is not the owner of the house concerned from where the seizure of illicit liquor was made. Apart from that, in the instigation itself it has revealed that the applicant was not seen nearby the house concerned since 4 to 5 months prior to the date of incident. Therefore, the applicant has no connection with the alleged commission of offence. 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 the applicant was in possession of the house where the illicit liquor has been seized by the police, therefore, his application may be rejected.
4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident personnel of Excise Circle Bagbahra made a seizure of illicit liquor 54.4 bulk liters manufactured in Orrisa from the locked house. In the panchnama it was stated by the witnesses that the house belongs to this applicant. Hence, this case.

6. As it appears that at the time of seizure the house was not in use of the applicant and on the basis of other witnesses the applicant had not been seen near the house couple of months before the date of incident. Therefore, for these reasons, 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