

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 422 of 2019

- Manna Khan S/o Moh. Mustak Aged About 22 Years, R/o Urla Niwas, Banmbe Aawas, Urla, P.S. Mohan Nagar, Tahsil & Distirct- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar, Disrtict- Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Tarun Dansena, Advocate.
For Respondent/State : Mrs. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

27/03/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.525/2018 registered at Police Station-Mohan Nagar, District–Durg(C.G.), for the offence punishable under Section 34(2) of Excise Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant is neither the owner of the house nor was he in possession of the same from where the seizure of illicit liquor has been made by the police. Hence, it is prayed that applicant may be released on anticipatory bail.
3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the owner of the

house Bharat Lal has given statement that he was informed by his daughter that this applicant has stored illicit liquor in his house, therefore, on this basis the applicant is not entitled for grant of anticipatory bail.

4. Heard both the parties and perused the case diary.
5. On the date of incident the police personnel of police-station-Mohan Nagar, District- Durg made a seizure of 507.6 bulk liters countrymade liquor from the house belonging to one Bharat Lal. Bharat Lal has given statement that he does not reside in the house and the house was under the charge of this applicant and he was informed by his daughter that the applicant has kept the illicit liquor in that house. Hence, this case.
6. Considered on the material present in the case diary, the investigation is pending since about 4 months and so far the daughter of the witness Bharat Lal, who informed about the storage of illicit liquor in the house, has not examined till date and there are no other details in the case diary, for this reason, I feel inclined to allow this application.
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge