

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 531 of 2019**

Dilip Singh, S/o. Shree Kishan Singh, Aged About 26 Years, R/o. Budhwari Bazar, Korba Tehsil and District Korba Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Darri, District Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mahendra Dubey, Advocate
For Respondent	: Mr. Rahim Ubawani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/04/2019**

1. Apprehending arrest in connection with Crime No.40/2019, registered at Police Station – Darri, District – Korba (C.G.) for offence punishable under Section 34 (2) and 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. This applicant has no connection with the illicit liquor seized from one abandoned vehicle and there is no evidence in the investigation to show the connection of the applicant with the said illicit liquor. Therefore, it is prayed that the applicant be granted 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 from some reliable information, this applicant is sought by the

police to investigate the case, therefore, unless he is arrested, the investigation will not lead to any direction. Therefore, the applicant is not entitled to be released on anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On 17.03.2019, the police personnel of Police Station – Darri made seizure of 28 cartoons of liquor in volume 258 bulk liters from one abandoned vehicle bearing registration No.C.G.04-H-2232. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After considering the entire evidence available in the case diary, 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