

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 744 of 2019

- Banta Singh, S/o Bhag Singh, Aged About 38 Years, R/o Shishak Colony, Govt. Higher Secondary School, Mission Road, Korba, Tah. & District- Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through P.S.- Urga, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Prafull N. Bharat, Advocate.
For Respondent/State : Mr. Lav Sharma, Panel Lawyer.

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

17/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.49/2019 registered at Police Station-Urga, District-Korba(C.G.), for the offence punishable under Sections 34(2) of C.G. 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. There is no evidence present in the case diary against this applicant. Applicant has been arrayed as an accused only on the basis of the memorandum statement given by the co-accused persons which is not a legally acceptable evidence, hence, it is prayed that he may be granted anticipatory bail.

3. Learned counsel for the complainant opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. About 500 litres of country-made liquor was seized from a farmhouse. Co-accused Raghunandan Patwa, Indrapal Gond and Sudhakar Prajapati, who were found on the spot. On inquiring, they have stated that they had stored the liquor and were making sale of the same on the instruction given by this applicant. Hence, this case.
6. On perusal of the case diary, it appears that there is no other evidence collected so far to show that the farmhouse is owned by this applicant and looking to the material present in the case diary, I feel inclined to allow the application to this applicant.
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

Nisha