

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1135 of 2019**

Lalman S/o Lalla Aged About 30 Years Caste- Sahu, R/o Village
Gadhi, P.S. Kotma, District- Anuppur, Madhya Pradesh., District :
Anuppur, Madhya Pradesh

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. P.S. Manendragarh, District-
Korea, Chhattisgarh., District : Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ramsajivan, Advocate
For the State	:	Shri Vaibhav K. Agrawal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23/09/2019**

1. This is an application for grant of anticipatory bail under Section 438 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. The applicant is apprehending his arrest in connection with Crime No. 416/2018 registered at Police Station- Manendragarh, District Korea (C.G.), for offence punishable under Section 34 (2) of the Excise Act.
3. Case of the prosecution, in brief is that on 03/12/2018 the police officials of Police Station Manendragarh were on petrolling. The Police party tried to stop the Scorpio vehicle bearing chassis No. MA1TA2TDKJ2B23115. The driver of the Scorpio vehicle did not stop the vehicle. Police officials chased that vehicle. Driver of the Scorpio vehicle and three other persons who were sat on that vehicle ran away towards the forest. From that Scorpio vehicle 10.800 bulk liters of country made liquor was seized. In reply of Section 91 of CrPC the owner of the said Scorpio vehicle intimated in writing that applicant who is brother-in-law operating that vehicle.

4. Counsel for the applicant submitted that the applicant has no criminal background. He is innocent and has been falsely implicated in the present case. He further submitted that nothing was seized from the applicant. There is no police statement of owner of vehicle Jogan Das, thus, he shall be released on bail. He placed reliance in the order of co-ordinate Bench in the matter of **Kshirsagar Patel vs. State of Chhattisgarh** in **MCRC(A) No.262 of 2019** dated 05/03/2019.
5. On the other hand, counsel for the State opposes the bail application, however there is no previous criminal antecedent against the applicant.
6. *Prima facie* an offence punishable under Section 32(2) of Excise Act is made out against the applicant, thus he does not get any help from the aforesaid order of co-ordinate Bench in the matter of *Kshirsagar Patel (supra)*. In the case in hand as per provision of Section 59-A of Excise Act the anticipatory bail of the applicant is not maintainable.
7. Consequently, the present anticipatory bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge