

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1289 of 2019

- Anil Bhardwaj S/o Moolchand Bhardwaj Aged About 35 Years R/o Village Bokramuda, Post Pahariya, Chauki - Pantora, Tahsil Balouda District Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Chauki- Pantora Police Station Balouda, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Shri Samir Singh, Advocate.

For Respondent/State : Shri Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

17/10/2019

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with crime No. 121/2019, registered at Chouki – Pantora, Police Station Balouda, District - Janjgir - Champa (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution story, on 10.07.2019, police officials of police chowki – Pantora seized 6 bulk litre country made liquor from near Nahar Road Bokramuda. It is alleged that present Applicant has kept liquor with him and on seeing the ladies commando, he fled away from the spot. On the basis of the above background, offence has been registered.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that no seizure has been made from the Applicant. In the report, it is alleged that Applicant is involved in other Excise cases but police record itself shows that no any other case is registered against him regarding the same. Therefore, from the above it is clear that Applicant has falsely been implicated in the present case. Looking to the above, Applicant may be extended the benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the facts and circumstances of the case, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He 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 from disclosing such fact to the Court,
 - (ii) He shall not act in any manner which will be

prejudicial to fair and expeditious trial, and

- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash