

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1487 of 2019**

- Ravi Gajjal S/o Gajjal Pocha Aged About 30 Years R/o Awapalli Police Station Awapali, District Bijapur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Bijapur, District Bijapur Chhattisgarh.

---- Respondent

For Applicant	: Shri P.K. Tulsyan, Advocate.
For Respondent/State	: Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****10/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 77/2019 registered at Police Station Bijapur, District – Bijapur, (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.
2. As per the prosecution story, on 23.08.2019 police officials search a vehicle bearing registration No. CG 17 H 2914. On being searched total 234 bulk liters of liquor has been found from the possession of co-accused persons namely Pradeep Sahu, and Mahesh Kumar. On being inquired, both co-accused disclosed the fact that, at the behest of the applicant, they purchased liquor from liquor shop and transporting the same. On the basis of the said, offence has been

registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that, *prima facie*, no case is made out against present applicant. Applicant is implicated in this case only on the basis of the statement of co-accused Pradeep Sahu, which is not a legal evidence. Thus, it is prayed that he may be granted anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that present applicant is implicated in this case only on the basis of statement of co-accused Pradeep, therefore, 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