

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1572 of 2019

Madhukant Shukla S/o Shri Rakesh Shukla Aged About 35 Years R/o Village Jhalap, Thana Patewa, Tahsil And District Mahasamund Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Thorough The Station House Officer, Police Station Patewa, District Mahasamund Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 169/2019, registered at Police Station: Patewa, District-Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the C.G. Excise Act.

2. As per prosecution story, on 02.09.2019, on the basis of secret information received from informant, police officials searched the Kirana Shop of co-accused namely Ramprasad Dubey and recorded his memorandum. On the basis of the said memorandum, the police officials seized 104 bulk litres liquor from his possession. During investigation, police officials came to know that the present Applicant and one Hemant Mirdha have made available the said seized liquor

to co-accused Ram Prasad Dubey. On the basis of said, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that no seizure of liquor was made from the Applicant and the Applicant has been implicated only on the basis of memorandum statement of co-accused namely Ram Prasad Dubey, which is not admissible therefore, Prima Facie no case can be made out against the present Applicant therefore, he may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, particularly considering that the Applicant has been implicated only on the basis of memorandum statement of co-accused namely Ram Prasad Dubey. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge