

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1821 of 2019

Jaleshwar Yadu S/o Ferha Yadu, Aged About 42 Years R/o Tarenga (Wrongly Mentioned As Datrengi In The Certified Copy Of Order), Police Station Bhatapara Gramin, District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Bhatapara Gramin, District Baloda Bazar Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Gulati, Advocate.
For Respondent/State	: Mr. Anand Verma Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/12/2019

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. 438/2019, registered at Police Station: Bhatapara, Gramin District Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act.

2. As per the prosecution story, on 16.10.2019 police officials received an information that the present Applicant kept liquor in the house of his nephew namely Manharan Yadu. During investigation the police officials searched and seized total 324 bulk litres of Foreign made liquor from the possession of the co-accused Ganga Yadu following

which Smt. Ganga Yadu told the police that the said liquor was kept by the Applicant. 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 as he has been implicated only on the basis of statement of co-accused Smt. Ganga Yadu which is not admissible against the Applicant therefore, Prima Facie no case can be made out against the present Applicant therefore, he prays for grant of anticipatory bail to the Applicant.
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, arguments advanced by counsel for the Applicant and further considering the fact that the said liquor has not been seized from the Applicant and the fact that the Applicant has kept the said liquor in the house of co-accused, there is no any documentary evidence available in this regard, 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