

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1663 of 2018

- Santosh Jaiswal S/o Shri Radheshyam Jayaswal Aged About 25 Years
R/o Kesari, Police Station Raghunath Nagar ,District-Balrampur
Ramanujganj ,Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer , Police
Station Raghunath Nagar, District-Balrampur Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Patel, Advocate.
For Respondent : Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/01/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.24/2018 registered at Police Station-Raghunath Nagar, District – Balrampur, Ramanujganj(C.G.), for the offence punishable under Sections 34(2) of the Excise Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant had not been present at the time when the illicit liquor was seized from the possession of co-accused Yogendra Jaiswal, who had brought that liquor without the permission and

knowledge of this applicant into the hotel of this applicant, therefore, no case is made out against this applicant. Hence, it is prayed that this applicant may be granted anticipatory bail.

3. Learned State Counsel opposes the bail application and the submissions made in this respect. It is submitted that the place from where the illicit liquor was seized belonged to this applicant, therefore, he is responsible for the offence committed. Hence, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident, police personnel of PS-Raghunath Nagar, District-Balrampur-Ramanujganj made a seizure of 8.4 bulk liters of foreign liquor from Yogendra Jaiswal, who was present in the hotel owned by this applicant. Hence, this case.
6. After considering on the evidence present in the case diary, I am of this opinion that the bar under Section 59-A(1) of the C.G. Excise Act is not applicable in this case, hence, the application deserves to be allowed.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha