

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 1738 of 2018**

Harjeet Singh S/o Late Shri Niranjana Singh Aged About 53 Years R/o Ward No. 14 Sundar Nagar Bhilai Thana Vaishali Nagar, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer, Salhewara, Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Mateen Siddiqui, Advocate.  
For the Respondent/State : Shri Adil Minhaj, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****15.01.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.
  
2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 41 of 2018, registered at Police Station – Salhewara, Rajnandgaon, Chhattisgarh for the offences punishable under Section 34(2) of the Chhattisgarh Excise Act.
  
3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The seizure of illicit liquor has been made from the co-accused persons in this

case and the only evidence collected in the investigation is that the co-accused persons have made statement before the police that they were transporting the liquor on the instructions of the applicant. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect.

5. Heard counsel for both the parties and perused the case diary.

6. On the date of incident, the police personnel of police station Salhewara, Rajnandgaon made a seizure of 94.5 bulk liters of foreign liquor from a truck bearing registration No. C.G. 04 JB 2479 from the possession of co-accused persons. Hence, this case.

7. As this applicant was not present on the spot and his name has appeared only in the statement given by the co-accused persons, hence, I feel inclined to grant anticipatory bail to the applicant in this case.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in 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 them 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 him by the said Court till disposal of the trial.'

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge