

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 416 of 2020

1. Mohammed Sajid Shah S/o Abdul Rahman Aged About 52 Years Resident of 50, Kurud Road, Near Hanuman Mandir, Kohka, Supela, Bhilai, District Durg Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Chowki-Tumdi Bod, Thana- Lalbagh, Rajnandgaon Chhattisgarh

---- Respondent

For Applicant

Mr. Shaleen Singh Baghel, Advocate

For Respondent /State

Mr. Chandresh Shrivastava, Dy. Advocate
General

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

29/6/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.586/2019 registered at Police Chowki Tumdi Bod, Police Station Lalbagh, District Rajnandgaon, for offence punishable under Section 34 of the Chhattisgarh Excise Act, 1915.
2. On receiving some information that illicit liquor is brought in a vehicle from Nagpur to Rajnandgaon, the concerned police erected barricades at village Tumdi Bod Police Chowki on National Highway 53. One white coloured

vehicle bearing registration No.MH-04-DJ-2728 was being driven rashly and negligently and tried to move out of the road because of which it turned turtle and sustained damages. One person moved out of the vehicle and ran away through the agricultural fields whereas two other persons namely; Roshan Singh & Monu Kesari were arrested on the spot along with 387 bulk liters of foreign liquor.

3. Learned counsel appearing for the State would oppose the prayer for grant of bail.
4. On perusal of the case diary, it does not appear that the police became aware of the name of the accused on the basis of memorandum statement of co-accused Roshan Singh & Monu Kesari. Thus, there is no material that the person who ran away from the place of occurrence was the present applicant. The vehicle is owned by one Abbas S Chandurwala and not by the present applicant.
5. There does not appear to be *prima facie* material to connect the applicant with the present crime, as there is no direct evidence against him nor in the form of memorandum statement of co-accused, therefore, bar contained under Section 59-A of the Chattisgarh Excise Act, 1915 would not attract against the applicant herein.
6. Considering the entire facts situation of the case, this Court is inclined to release the applicant on anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal

bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-

- (a) he shall make himself available for interrogation by a police officer as and when required;
- (b) 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 facts to the Court or to any police officer.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri