

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 415 of 2020

Sanjay Verma S/o Dadan Verma Aged About 26 Years R/o Ward No. 53, Gudda Hostel, Santoshi Nagar, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station, Chilhati, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri S.S. Baghel, Advocate
For State	:	Shri Raveesh Verma, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/06/2020

Heard.

1. The applicant has filed this application for grant of anticipatory bail under Section 438 Cr.P.C. as he is apprehending his arrest in connection with Crime No. 28/2019, registered at Police Station -Chilhati, District- Rajnandgaon (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. Case of the prosecution is that a mukhbir information was received in the police station regarding illegal transportation of foreign liquor and co-accused was found carrying 405 bulk litres of foreign liquor. Allegation against the present applicant is that the vehicle which was used for transportation is registered and owned by the present applicant.
3. Learned counsel appearing for the applicant would submit that the only basis on which the applicant has been involved in the alleged commission of offence is that vehicle in which illegal liquor was being carried belongs to

him. He submits that applicant was neither present in the vehicle nor any quantity of liquor has been found in his possession. He submits that the co-accused had hired his vehicle and, only on that basis, without any material, it cannot be said that applicant is also involved in the alleged commission of offence. He also submits that the prosecution has not even come out with any memorandum of co-accused alleging that the present applicant is also involved in the incident of illegal transportation of liquor.

4. Per contra, learned counsel appearing for the State opposes the bail application. He submits that though the applicant was not found present at the spot nor liquor has been seized from his possession, during investigation, it was found that the vehicle in which the liquor was being carried, is registered in the name of the applicant and the applicant is the owner, therefore, a prima facie case is made out against the applicant.
5. Having considered the submissions of learned counsel for the parties, taking into consideration that the only basis for involvement of the present applicant is that vehicle in which the liquor was found belonged to the applicant though neither the applicant was found present in the vehicle nor any liquor was seized from his possession. Moreover, the State counsel could not point out that any memorandum statement of co-accused was recorded in which they have involved the present applicant also in the alleged commission of offence that to facilitate illegal transportation of liquor, the applicant knowing fully well, allowed his vehicle to be used.
6. Therefore, in view of above consideration, present is a fit case for grant of anticipatory bail to the applicant.
7. Accordingly, the application is allowed. 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/- along one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:-
 - (i) the applicant shall make himself available for interrogation by the police officer as and when required;
 - (ii) 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 from disclosing such facts to the Court or to any
police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen