

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 435 of 2020**

- Mulchand Bhardwaj, S/o Pokharchand, Aged About 65 Years
R/o Village Bokarmuda, Chowki Pantora, Police Station
Baloda District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police
Station Baloda, Chowki Pantora, Civil And Revenue District
Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Yogeshwar Sharma, Advocate.
For Respondent/State	:	Mrs. Fouzia Mirza, AAG.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****22-06-2020**

Heard.

1. The applicant has preferred this bail application under Section 438 of Code of Criminal Procedure 1973 for grant of anticipatory bail apprehending his arrest in connection with Crime No. 110 of 2019 registered at Police Station Baloda, District Janjgir Champa (C.G.) for alleged commission of offence under Section 34 (2) of the Chhattisgarh Excise Act.

2. Case of the prosecution is that the applicant was found in illegal possession of 14 liters of country made liquor which was seized from the agricultural field belonging to the applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated only on suspicion. No liquor has been seized from his possession. Agricultural field is an open place and merely because liquor was found in the agricultural field of the applicant, it cannot be said that the applicant is involved, therefore, in these circumstances, he may be protected by anticipatory bail.

4. On the other hand, learned counsel for the State opposing the prayer for grant of anticipatory bail would submit that the place where liquor was found, belonging to the applicant. It is further submitted that earlier also a criminal case was registered against the applicant on the allegation of having been found in illegal possession of liquor and the case under Excise Act has been registered .

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that earlier also case has been registered against the applicant for unauthorized and illegal possession of liquor, it is not a fit case for grant of anticipatory bail.

6. Accordingly, the application is rejected. However, looking to the age of the applicant, it is directed that in case the applicant surrenders and applies for regular bail, his application shall be considered and decided as far as possible, preferably on the same day.

Sd/-

(Manindra Mohan Shrivastava)

JUDGE

