

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 595 of 2020

Sonu @ Sheetal Mohabiya S/o Rohit Mohabiya, aged about 26 years, R/o Baghmara, P.S. And Tahsil Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Lalbagh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shaleen Singh Baghel, Advocate.
For Respondent/State	: Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/08/2020

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with Crime No. 249/2019, registered at Police Station: Lalbagh, District-Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act.
2. As per the case of the prosecution, on 29.05.2019, on the basis of secret information received from the informant police officials searched and seized vehicle bearing registration No. CG 07 BH 8288 driven by the co-accused namely Jageshwar. On being searched, total 28 boxes of illicit liquor containing 50-50 bottles each weighing 180 ml was seized from the possession of co-accused Jageshwar. Before seizure of the vehicle by the police officials, the present Applicant along with one other co-accused fled away from the spot. The name of the present Applicant was disclosed by Jageshwar. On the basis of said, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is falsely implicated in the present case. He submits that the Applicant has been implicated only on the basis of facts disclosed by the co-accused Jageshwar. Both the seizure witnesses of the case have not

stated anything about the Applicant nor they have stated that they will identify the present Applicant and other co-accused person who fled away from the spot, therefore Prima Facie no case can be made out against the present Applicant, therefore, he prays for grant of anticipatory bail to the Applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and further considering the fact that the liquor was seized from the possession of the co-accused Jageshwar and apart from the facts disclosed by the co-accused, there is no evidence available against the present Applicant, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. 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/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-
 - I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. 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/-
(Arvind Singh Chandel)
Judge