

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 775 of 2020**

Chetan Sahu S/o Gendram Sahu, aged about 38 years R/o Village Datrengi, police Station Bhatapara (Gramin) District Baloda Bazar- Bhatapara (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police Station Bhatapara Gramin, District Baloda Bazar- Bhatapara (C.G.).

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate
For Respondent : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

04/09/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 120/2020 registered at police station – Bhatapara Gramin, District Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Sections 34(2) and 36 of the Chhattisgarh Excise Act.
3. According to the case of the prosecution, on 15/03/2020 on the basis of secret information, the police official searched the vehicle bearing CG07-AZ-4508 which was being driven by co-accused Ganpat Nishad. Another co-accused Nitesh was also found inside the vehicle. On search, total 51 bulk liters of Goa Whisky was seized from them. As

disclosed by co-accused persons, one Poultry Farm was also searched and on search total 351 bulk liters of liquor was found, which was seized from the co-accused persons. During investigation, memorandum statement of co-accused Bhuneshwar was recorded, who disclosed the fact that the liquor belongs to the applicant, and they had obtained the said liquor from him. On the basis of this background, FIR has been registered against the applicant also.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant has been implicated only on the memorandum statement of Bhuneshwar. There is no direct evidence available on record which shows that the seized liquor belongs to the applicant. There is nothing on record on the basis of which it can be said that the applicant was involved in crime in question, therefore, prima-facie, no offence is made out against the applicant. He prays to extend the benefit of anticipatory bail to the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and further considering the fact that apart from the memorandum statement of Bhuneshwar, there is no direct evidence available on record to implicate the applicant in crime in question, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- 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 make 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge