

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 811 of 2020

Ajit Kumar Marko S/o Late Shri Bhagirathi Singh Marko Aged About 28 Years
R/o Gram Senha, Thana Psaan, Tahsil Podi Uproda, District Korba
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station
Marwahi, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate.

For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/08/2020

1. The matter is heard through video conferencing.
2. 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. 125/2019, registered at Police Station Marwahi, Distt. Bilaspur (C.G.) for the offence punishable under Sections 34 (1), 34(2) & 59(A) of Excise Act.
3. According to the case of prosecution, on 06.07.2019, on the basis of information received from an informant, police officials searched one unnumbered vehicle (Tata Aria) and seized total 60 Liters 480 ML. bulk of liquor from the co-accused Bhagwan Singh Marko. Allegedly, the vehicle was owned by the present applicant, therefore, he is also involved in the crime in question. On the basis of above, offence has been registered.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case only on the basis of statement of co-accused Bhagwan Singh Marko recorded under Section 27 of the Evidence Act, apart from that there is no evidence available on record against the applicant. The Counsel further submits that prima facie no offence can be made out against the

applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application and referring the provisions of Section 59 (A) of Excise Act, the Counsel would submit that since the matter relates to Excise Act, therefore, there is a bar for anticipatory bail. Hence, it is prayed that the applicant may not be granted benefit of anticipatory bail.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that apart from the memorandum statement of co-accused Bhagwan Singh Marko, there is no material available on record against the 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 for a sum of Rs. 25,000/- with one solvent 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 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