

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1693 of 2019

Baliram Yadav S/o Sajjan Lal Yadav, Aged About 39 Years R/o Village Deendayalpuram, Tahsil And District Balaghat (M.P.)

---- Applicant

Versus

State Of Chhattisgarh Out Post Chichola, Through The Station House Officer, Police Station Churiya, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. Malay Shrivastava, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/01/2020

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. 89/2018, registered at Police Station: Out-Post Chichola, Police Station Churiya, District-Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of C.G. Excise Act, 1915.
2. As per prosecutrix story, on 29.06.2018, on the basis of secret information received from the informant police officials searched and seized the vehicle bearing registration No. CG 08 AD 2423 on being searched total 288 bulk litres of foreign made liquor was seized from the possession of Mohitram Sahu, Nagesh Purram & Virendra Ganhdarv after the seizure they have disclosed the fact that they have purchased the said liquor from the present Applicant who is the manager of the liquor shop. 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 as the Applicant is implicated only on the basis of statements of other co-accused persons, there is no material evidence available on record on the basis of which it can be said that the Applicant was involved in the said question-in-crime 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 there is no material evidence 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 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