

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2079 of 2019**

Naresh Kumar Malhotra S/o Banshilal, aged about 29 years R/o Village Bhilaidadar, Police Station Komakhan, Tahsil Bagbahra, District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through the Station House Officer, Police Station Komakhan, District Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Mr. H.S. Ahluwalia, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

27/05/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 162/2019 registered at police station – Komakhan, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. According to the case of the prosecution, on 26/10/2019 the police official received an information to the effect that some persons are in possession of illegal liquor and they are selling the same. On this information, the police official made raid and recovered 70 bulk liters of Mahua liquor from the illegal possession of co-accused Bhuvan

Malhotra, Lalit Baghel and Hemlal Baghmare. Allegation against the applicant is that at the time of raid, he was present with the accused persons and was selling the liquor. Seeing the police official, he fled away from the spot.

4. Learned counsel appearing on behalf of the applicant submits that the applicant has been falsely implicated in the present case. He further submits that no liquor has been seized from the possession of the applicant. The applicant has been made accused only on the disclosure of co-accused persons, therefore, prima-facie offence is not made out against the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application. He referred the statements of Tularam and Kishore recorded under Section 161 of the Cr.P.C and submits that there is sufficient material available against the applicant. He further submits that five previous cases have already been registered against the applicant of the same nature. He prays to reject the bail application.
6. I have heard counsel for the parties.
7. Looking to the above facts and circumstances of the case, particularly considering the statements of Tularam and Kishore recorded under Section 161 of the Cr.P.C, in my considered view prima-facie case is made out against the applicant. Therefore, I am not inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge