

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 2108 of 2019

Shailesh Sahare S/o Nohar Sahare, Aged About 38 Years R/o Village Chiladabri,
P.S. Ambagarh Chowki, Tahsil Ambagarh Chowki, District Rajnandgaon
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Ambagarh
Chowki, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Shaleen Singh Baghel, Advocate.
For Respondent/State : Ms. Seema Dixit, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/03/2020

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. 218/2019, registered at Police Station Ambagarh Chowki, Rajnandgaon, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution story, on 29.10.2019, on the basis of information received from an informant, police officials searched and raided in the house of co-accused Ashok Sahare and seized 162 litres of foreign liquor from his house. Allegedly, the liquor was kept in that house of co-accused for the purpose of sale by the present applicant. On the basis of said background, offence has been registered.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the liquor was seized from the possession of co-accused Ashok Sahare. The applicant is implicated in the matter only on the basis of co-accused Ashok Sahare which is not a legal evidence. The Counsel further submits that there is nothing on record which shows that the said liquor was kept by the present applicant in the house of co-accused Ashok Sahare. 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.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary minutely.
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 only on the basis of statement of co-accused Ashok Sahare, the applicant is implicated in the crime in question. Without further commenting on 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 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