

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 2140 of 2019**

- Santosh Pade S/o Budhram Pade, Aged About 38 Years R/o Kukrachunda, Police Station Bhatapara Gramin, District - Baloda Bazar - Bhatapara Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station - Bhatapara Gramin, District - Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Shri Anil Gulati, Advocate.

For Respondent/State : Shri Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****02/06/2020**

1. The Applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending his arrest in connection with Crime No. 507/2019 registered at Police Station Bhatapara Gramin, District – Balodabazar-Bhatapara, (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. As per the prosecution story, on the basis of information received from an informant, police personnels raided and seized total 19.080 bulk litres of country-made liquor from co-accused persons namely Pintu Pandey, Girdhari Verma and Shriram Yadu. It is alleged that present applicant is also involved in the crime in question as he was also

present at the spot and thereafter, fled away from there. On the basis of the said, offence has been registered.

3. Learned Counsel appearing for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case on the basis of the memorandum statements of the co-accused persons which is not a legal statement. Apart from this, there is no evidence available against applicant. Therefore, *prima facie*, no case is made out against present applicant.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Taking into consideration the submissions put-forth on behalf of the parties and further considering the fact that apart from the memorandum statement of the co-accused persons, there is nothing on record against the applicant, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the Applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- I. He 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 from disclosing such fact to the Court,

- II He shall not act in any manner which will be prejudicial to fair and expeditious trial, and

III He 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

Prakash