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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 49 of 2021**

1. Purshottam Dewangan, aged about 21 years, S/o Shri Sonu Dewangan, R/o Mahadev nagar, Gauri Nagar, Ward No.12, Rajnandgaon, District Rajnandgaon (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through the O.P. Tumdibod, Police Station Lalbagh, District Rajnandgaon (CG)

---- Non-Applicant

For Applicant : Shri Shaleen Singh Baghel, Advocate.
For Non-Applicant : Miss Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****03/03/2021 :**

1. The applicant has preferred this application for grant of anticipatory bail as he apprehends his arrest in connection with Crime No.103/2020, registered at Police Station O.P. Tumdibod, PS Lalbagh, District Rajnandgaon for offence punishable under Section 34 (2) of the CG Excise Act.
2. 43.200 bulk liters of Foreign liquor was recovered from the Skoda Octavia vehicle bearing registration No.CG-04/JA-4100 on 4.3.2020 from one Ashwin Khemeskar, who was driving the vehicle. The vehicle is registered in the name of Savita Chandarkar, who informed the police in her diary statement that she has already sold the vehicle to Vivek Singh Gautam, who in turn informed the police that he has sold it to the present applicant. It is on this basis, the applicant is sought to be arrested by the concerned police.

3. Admittedly, Savita Chandrakar is the present registered owner of the vehicle. There is no sale paper of selling the vehicle in favour of Vivek Singh Gautam, much less in favour of the present applicant. Even co-accused Ashwin Khemeskar has not been interrogated by recording his memorandum statement so as to know as to whether he was transporting the liquor at the applicant's behest.
4. Thus the material available in the case diary does not demonstrate any admissible evidence against the applicant on the basis of which he can be held prima facie guilty of being involved in transportation of illicit liquor recovered from Ashwin Khemeskar. Despite provisions contained under Section 59-A (1) of the CG Excise Act, I am inclined to release the applicant on anticipatory bail for the reason that there is no prima facie evidence against the applicant.
5. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) he shall not influence the witnesses during trial.
 - (ii) he shall make himself available for interrogation by a police officer as and when required;
 - (iii) 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 facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve