

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 142 of 2021

- Devendra Thackeray S/o Lok Ram Thackeray Aged About 47 Years R/o Ward No. 32, Near Sai Bajaj Agency, Narmada Nagar, Balaghat, Tahsil And District Balaghat (M.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Kabeerdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Respondent

For Applicant : Mr. Prafull N. Bharat and Mr. Jitendra
Shrivastava, Advocate.
For Respondent/State : Adil Minhaj, Government Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/05/2021

Heard.

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.72/2020 registered at Police Station Excise Circle, Bodla, District – Kabeerdham (C.G.), for the offence punishable under Sections 34 (1) (क), 34 (2) & 36 of the Chhattisgarh Excise Act.
2. Learned counsel for applicants submits that applicant is innocent and has been falsely implicated in this case. It is submitted that it is a case of total false allegation. The seizure of illicit liquor was made from an abandoned vehicle. Later on the driver of the said vehicle was arrested and has made the statement against this applicant, which is totally

false. The present applicant is the proprietor of a licensed liquor shop in District – Balaghat, Madhya Pradesh. There is no such offence that he has made any sale to the co-accused persons, therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that he made purchase of illicit liquor from this applicant which is evident from the details of illicit liquor that has been seized in this case, as the illicit liquor display the label and mark of the liquor manufactured in Madhya Pradesh, therefore, present is not a fit case for grant of anticipatory bail to the applicant.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case the Police Station – Excise Circle, Bodla, District – Kabeerdham, Chhattisgarh made a seizure of 630 bulk liters of country liquor manufactured in Madhya Pradesh, from an abandoned vehicle. The co-accused Dogendra Verma who was driver of that vehicle was arrested on 15.05.2020 and he has made a statement regarding purchasing of liquor from the present applicant, which is the basis of the prosecution case.
6. Considered on the submissions. The documents has been produced to show that the applicant is a licensed vendor in District – Balaghat, Madhya Pradesh, and after considering the submission from the applicants side, I feel inclined to allow this application of the applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer

arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the 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) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Rajendra Chandra Singh Samant)
Vacation Judge