

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 210 of 2021**

- Ramkrupal Gond, son of Motilal Gond, aged about 33 years, resident of village Baloda (H), Thana-Gidhouri, District Baloda Bazar-Bhatapara (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Police Station Gidhouri-Tundra, District Balodabazar Bhatapara (C.G.)

---- Respondent

For Applicant : Mrs. Supriya Upasane, Advocate.
For Respondent. : Mr. Vimlesh Bajpai, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22/06/2021**

Proceeding through video conferencing.

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No.105/2020 registered at Police Station - Gidhouri-Tundra, District Balodabazar - Bhatapara (C.G.) for commission of the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution case, in brief, is that on 19.04.2020, police received a secret information that one person, who is looking like the present applicant, is going to Balodadera to Hasua holding sack in which total 20 bulk liters of handmade mahua liquor was kept. Acting on this tip-off, the police reached the spot, seeing whom the applicant threw the sack and fled away from the spot. The police conducted the raid and seized

the liquor. Based on this, offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. She further submits that nothing has been seized from the present applicant and only on suspicion the present applicant has been implicated in the crime in question. She also submits that the applicant undertakes to abide by any conditions so imposed by this Hon'ble Court. The present applicant has no criminal antecedent, therefore, he may be granted anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the facts that no seizure has been made from the present applicant, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for interrogation/medical examination before the

concerned 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 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/-

(Rajani Dubey)
Judge