

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 231 of 2021**

- Kamal Narayan Banjare S/o Roopchand Banjare Aged About 36 Years R/o Chherkapur, Police Station Palari, District Baloda Bazar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali Baloda Bazar, District Baloda Bazar Bhatapara Chhattisgarh

---- Respondent

For Applicant	: Shri B.L.Sahu, Advocate
For Respondent/State	: Shri Uddhav Sharma, GA

Hon'ble Smt. Justice Rajani Dubey**Order On Board****07/04/2021**

This is an application filed under Section 438 of the Code of Criminal procedure for grant of anticipatory bail to the applicant, who are apprehending his arrest in connection with Crime No. 61/2021 registered at Police Station City Kotwali, Baloda Bazar, Bhatapara (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.

Case of the prosecution in brief is that on receiving information by the police from the informant that four unknown persons are illegally transporting the liquor in a vehicle (Scorpio), the police party apprehended and seized 180 bulk litres of foreign liquor from the

possession of the applicant and co-accused persons.

Contention of the counsel for the applicant is that the applicant have been falsely implicated in the present case. He further submits that there is no exclusive possession from the applicant and it was seized from the open place. He submits that that there is no previous criminal antecedent against the applicant and in the present circumstances of the pandemic Covid-19, the investigation will take time and therefore he may be granted bail.

On the other hand, learned counsel for the State opposes the bail application.

Having heard counsel for the parties and considering the totality of the facts, in particular, the nature of allegations against the applicant, this Court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant's in connection with the aforesaid offence, he shall be released on bail on their executing a personal bond in sum of Rs. 50,000/- with one surety to the satisfaction of the trial Court. The applicant shall also abide by the following conditions :

- (i) that 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 them from disclosing such facts to the Court or any police officer;
- (ii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iii) that 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/-
(Rajani Dubey)
Judge

suguna