

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 252 of 2021**

- Tikaram Anant S/o Anjori Lal, aged about 40 years, R/o village Sonbandha, P.S. Takhatpur, District Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Excise Circle Takhatpur, District Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate.
For Respondent. : Mr. B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/06/2021**

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.113/2021 registered at Police Station – Excise Circle Takhatpur, District Bilaspur (C.G.) for commission of the offence punishable under Section 34 (1) (क) (च), 34 (2) and 59 (a) of the Excise Act.
2. The prosecution case, in brief, is that on 27.01.2021, police received a secret information that the applicant is in possession of the liquor for sale. Acting on this tip-off, the police reached the spot, conducted search and seized 70 bulk liters handmade country liquor and 3000 kg Mahua Lahan from the house of the applicant. 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. Learned counsel further submits that the alleged recovery of liquor has not been made from the cautious possession of the applicant but from the house which is not habitant of him. Learned counsel, referring the order dated 04.12.2020 passed in MCRCA 1172/2020 by co-ordinate Bench and this Court's order dated 08.06.2021 passed in MCRCA No.1766/2020, submits that in similarly situated matter, the applicant has been granted anticipatory bail on the ground that the applicant was neither occupant nor owner of the premises and that the liquor belongs to him. Therefore, the applicant 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, and in view of order dated 04.12.2020 passed in MCRCA 1172/2020 by co-ordinate Bench and this Court's order dated 08.06.2021 passed in MCRCA No.1766/2020, 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