

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 280 of 2021**

- Shivdas Anant, S/o Anjori Ram Anant, Aged About 36 Years, R/o Village Sonbandha, Police Station Takhatpur, District Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- S.H.O. Police Station Excise Circle Takhatpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:Mr. Ravindra Sharma, Advocate.
For Respondent	:Mr. Roshan Dubey, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/06/2021**

- Heard.
- 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. 114/2021 registered at Police Station- Excise Circle Takhatpur, District Bilaspur, (C.G.) for commission of the offence punishable under Sections 34 (1) (क), 34 (2) & 59 (क) of the C.G. Excise Act.
- It is the case of the prosecution that, on the basis of information, police personnel searched and seized total 100 bulk liters of illicit liquor and 3000 Kg Mahua Lahan from the house of the applicant thereby committed the offence.

- Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that the liquor has not been seized from the exclusive and conscious possession of the applicant and the place of alleged recovery is open land and the land is also not recorded on the name of the applicant in the revenue records. He next submits that in similar nature, the applicants have been granted bail in M.Cr.C.A. No. 1766/2020 and M.Cr.C.A. No. 1172 of 2020 on the ground that the applicant was neither occupant or owner of the premises and that the liquor belongs to him. Therefore, the present applicant may be granted anticipatory bail.
- On the other hand, counsel for the State however opposes the application for anticipatory bail.
- After hearing counsel for the parties and considering the facts and circumstances of the case, in particular the seizure has not been made from the exclusive possession of the applicant, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant. 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 local 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 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 or 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**

Ruchi