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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 388 of 2021**

- Ranjit Singh S/o Nirmala Singh Ranan, aged about 38 years (wrongly mentioned as 27 years in the order sheet), R/o Pandwala, SAS Nagar, Mohali (Punjab)

---- Applicant**Versus**

1. State of Chhattisgarh - Through : District Magistrate, Kawardha, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate.
For Respondent.	:	Ms. Anjali Singh Chouhan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****31/03/2021**

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 Number No.12/2020 registered at Police Station - Excise Circle - Kawardha, District Kabirdham (C.G.) for the offence punishable under Sections 34, 34 (2), 41 and 42 of the Chhattisgarh Excise Act.
2. The prosecution story, in brief, is that the Excise Sub-Inspector, after receiving secret information, arrested the driver of vehicle while illegally selling Goa spirit smoothness whisky. After giving requisite notice by the Excise Department regarding permission to transport the liquor, the driver of the vehicle produced the same, according to which, the permit for exporting foreign liquor was issued by Madhya

Pradesh Excise Department permitting the Great Galleon Ventures Limited, Sejwaya, District Dhar, holder of license, to export foreign liquor from his licensed premises at Sejwaya to the Ware House situated at M/s North East Liquors, Bhalukpong, District West kameng (Arunachal Pradesh). The license was valid from 19.03.2020 to 06.04.2020. The allegation against the present applicant is that his vehicle was used for selling liquor illegally as also transporting the same after expiry of the permit.

3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the case. The vehicle of the applicant has been used for transporting the liquor with valid permission of the concerned Excise Department but due to lockdown the vehicle had to stop on the way, and in the meanwhile, the permit of license expired. Learned counsel for the applicant submits that co-accused person has already been granted regular bail by this Court vide order dated 17.11.2020 passed in MCRC Nos.3345/2020, therefore, the present applicant may also be granted benefit of anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail.
5. Having considered the orders passed by this Court in MCRC Nos.3354/2020 and looking to the nature of allegation against the applicant, this Court is inclined to release the applicant on anticipatory bail.
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 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/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