

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C.(A) No. 513 /2021**

Gurdeep Singh, S/o. Parvinder Singh, Aged About 22 Years, R/o. Supela,
Near Lal Bahadur Shashtri Hospital, Police Station Supela, Bhilai, District
Durg Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through District Magistrate Rajnandgaon, District
Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Mr. Jaydeep Singh Yadav, Advocate
For Respondent : Mr. Aditya Bhardwaj, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05.08.2021**

1. Apprehending arrest in connection with Crime No.45/2020 registered at Police Station- Baghnadi, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act, 1915, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, on 05.10.2020 on an information received that a Swift Car which carrying illicit liquor coming from Deori was tried to stop by putting blockage over the road but the Car did not stop and after chasing the driver abandoned the car and fled away. In the said Car total 297 bulk liters of illicit liquor were recovered.
3. Learned counsel for the applicant would submit that the Car belong to one Yashwant and the present applicant is an employee and at the time of incident, he was on leave and when he came back he

knows that the police is searching on him; therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail and submits that the Car belong to one Yashwant and the present applicant is Driver. During the investigation, it is found that Yashwant had already sold the Car on 04.10.2019, therefore, primary submission of the petitioner that he was on leave and driver of Yashwant appears to be doubtful, it needs to be investigated.
5. At the time of hearing of bail, the statement of the applicant of alibi cannot be accepted as gospel truth apart from the bar of Section 59A of the Excise Act. Taking into such over all facts of this case, I am not inclined to grant the benefit of anticipatory bail to the present applicant. Accordingly, the anticipatory bail application is rejected.

Ashok

Sd/-
(Goutam Bhaduri)
Judge