

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 522 of 2021**

- Sunil Kumar Sharma, S/o late Kalyan Sharma, aged about 50 years, R/o R/OA-1, Chandra Bihar Mandbali, Delhi - 110092 (wrongly mentioned as Sunil Singh Sharma in order sheet)

---- Applicant**Versus**

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

---- Respondent

For Applicant : Mr. Basant Kaiwartya, Advocate.
For Respondent. : Mr. B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01/07/2021**

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.12/2020 registered at Police Station Excise Circle Kawardha, District Kabirdham (C.G.) for the offence punishable under Sections 34 (2), 34, 41 and 42 of Excise Act.
2. The prosecution story, in brief, is that on 09.04.2020, the police seized total 6901.14 bulk liter liquor from the possession of co-accused Nasib Singh, Driver. During investigation, Sunit Madhok, legal representative of manufacturer of liquor and supplier M/s Great Galleon Ventures Limited, Sejwaya, District Dhar (M.P.), Managing Director Sunil Kumar (the present applicant) and driver Ranjit

Singh, after finding evidence, have also been made accused.

3. Learned counsel for the applicant submits that similarly situated co-accused person namely Ranjit Singh has already been granted anticipatory bail by this Court vide order dated 31.03.2021 passed in MCRC(A) Nos.388/2021, therefore, the present applicant may also be granted benefit of anticipatory bail.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that looking to the quantity of liquor anticipatory bail may not be granted to the applicant.
5. Having considered the orders passed by this Court in MCRC(A) Nos.388/2021 and looking to the nature of allegation against the applicant, this Court is inclined to released 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

pkd