

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 545 of 2021

- Jitendra Pandit S/o Surendra Pandit Aged About 32 Years R/o Chingripara, Nehru Bhawan, Road, Supela Bhilai, Bhilai District Durg Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Rajnandgaon District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	–	Mr. Vipin Tiwari, Advocate
For State	-	Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.08.2021

1. Apprehending arrest in connection with Crime No. 52/2021 registered in Police Station OP Surgi Basantpur Distt. Rajnandgaon (C.G.) for offence punishable under Section 34(2) of the Excise Act, the applicant has preferred this application under Section 438 of Cr.P.C. for grant of anticipatory bail.
2. As per the prosecution case, a raid was conducted on 26.01.2021 on an information that the present applicant who is an owner of the farm house at Village Anda, he used to transport the illicit liquor from the State of Madhya Pradesh and thereafter he used to sell them in the farm house. The farm house, when was being raided, 1755 bulk liters of liquor was seized.
3. Learned counsel for the applicant submits that the applicant has given the farm house on rent and it was Dilbag Singh and others who were handling the farm house and the liquor was seized from their possession. Therefore, the present applicant is not being involved in this case and he may be enlarged on bail.
4. Learned State counsel opposes the anticipatory bail application, reads out

the final report and submits that on an information received that the farm house of the present applicant was used to sell the illicit liquor and the raid was carried out and in midst few of the persons who were handling the liquor fled away from the spot. Subsequently, they were arrested.

5. Considering the submission of the respondent- State that on an information received and on a raid being conducted, 1755 bulk liters of illicit liquor was seized from the farm house which belongs to the present applicant, taking into consideration the nature of allegation and the quantity of liquor seized and the fact that the liquor was sized from the farm house of the present applicant, as such it may require custodial interrogation. Taking into consideration the bar created under Section 59A of the Excise Act 1958, as against the nature of evidence, it is not a fit case where the bail under Section 438 of Cr.P.C. can be granted to the applicant.

6. Accordingly, the bail application under Section 438 of Cr.P.C. stands dismissed.

Sd/-
(Goutam Bhaduri)
Judge