

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 644 of 2021**

- Sumit Kumar Banjare S/o Kharhiman Das Banjare Aged About 30 Years R/o Village- Chhote Kusmi, Hardi, Bankal, Rajnandgaon, Tahsil- Dongargaon, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Chhuriya, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P. Chetan Kumar, Advocate.
For State/Respondent	:	Mr. Vimlesh Bajpai, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****30/06/2021**

- Proceeding through video conferencing.
- Heard.
- Admit.
- 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. 129/2021 registered at Police Station- Chhuriya, District Rajnandgaon, (C.G.) for commission of the offence punishable under Section 34 (2) of the C.G. Excise Act.
- It is alleged against the applicant that the applicant, along with other co-accused, was transporting liquor by

motor cycle illegally for the purpose of selling liquor without any license, on 17.05.2021 a motor cycle and 17.280 bulk liters of country made liquor was seized from the possession of co-accused Shatrughan, 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 applicant is implicated in this case on the basis of oral allegation and there is no seizure from the applicant regarding the possession of the said liquor, 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**