

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C (A). No. 921 of 2021

Prasang Gaur S/o Pankaj Kumar, Aged About 27 Years, R/o Sector-4, Quarter 10 A, Road 38, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S.S. Baghel, Advocate.
For State	: Mr. Shrikant Kaushik, PL.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

15/09/2021

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.249/2019 registered at Police Station –Dongargaon, District -Rajnandgaon, (CG), for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. Case of the prosecution, in brief, is that on 19.07.19 the Police received secret information based upon which, they went to raid in village -Koregaon, Dongargaon. They found two vehicles parked in front of house of Saroj Ninjare and Sulochna. On search of vehicles, Police recovered 4 cartons each carrying 50 quarters of whisky loaded in vehicle bearing registration No.CG/07/BS/1778 (Tata Car). Based on seizure, crime was registered against 4 persons. During the course of investigation, it found that Tata Car owned by Ranjeet Singh was taken on rent by present applicant for which, rent deeds was also executed between applicant and Ranjeet Singh on 19.07.19. Based on statement of Ranjeet Singh and production of rent deeds before the Police, applicant has been made accused in instant crime.
3. Learned counsel for the applicant submits that applicant is no manner involved in instant crime, he was not found present on spot at the time of incident. He has been falsely implicated in this case. Hence, he may be enlarged on

anticipatory bail.

4. Learned State Counsel opposes the submissions made by learned counsel for applicant and submits that when Police reached on spot applicant fled away from spot leaving the car. On spot one Innova Car with forged number plate and one Tata Car was found in front of house of Saroj Ninjare. During the search of car, Police found illicit liquor loaded on Tata Car. During the course of investigation, statement of Ranjeet Singh (owner of Tata Car) was recorded who stated that car was taken on rent by applicant and also produced rent agreement, hence, there is prima facie involvement of applicant in instant crime. In view of Section 59 A(i) of the CG. Excise Act, this anticipatory bail application is not maintainable.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, materials collected by the Police during the course of investigation, provisions under Section 59 A(i) of C.G. Excise Act, I am not inclined to entertain this bail application.
7. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-