

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1250 of 2020

Ritesh Rao S/o Late Khande Rao Aged About 37 Years R/o Titurdih,
Beside Of Masjid, Durg, Police Station Durg, Tahsil Durg, District Durg
Chhattisgarh
---- Applicant

Versus

State Of Chhattisgarh Through Excise Circle / Police Station Durg,
District Durg Chhattisgarh
---- Respondent

For Applicant	:	Mr. Tarun Dadsena, Advocate.
For Respondent/State	:	Mr. Neeraj Pradhan, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/02/2021

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.482/2015 registered at police station – Durg (C.G.) for alleged commission of offence under Section 34(2) of Chhattisgarh Excise Act.
2. Prosecution case is that on information the police intercepted and seized 288 bulk litres of liquor from the possession of the co-accused Hardeep Mehra and on the basis of the memorandum of co-accused Hardeep Mehra, who named the applicant as one of the person involved in illegal transportation of liquor.
3. Learned counsel for the applicant would submit that recently the applicant came to know that the police registered a case against him in the year 2015 on the basis of memorandum of one Hardeep Mehra, who named the applicant as one of the person involved in illegal transportation of liquor. The applicant has no connection whatsoever with anyone. There is no material to show that any seizure was made from the possession of the applicant neither the vehicle nor any other material seized by the police relates with the applicant. Learned counsel for the applicant further submits that as a matter of fact, other co-accused have been acquitted including Hardeep Mehra, from whom the seizure is alleged to have been made, therefore, the applicant may

be protected by anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail and submits that the matter pertains to the year 2015 and since then present applicant is absconding. He would submit that though the applicant was not found at the spot nor anything was seized, the co-accused Hardeep Mehra who was caught at the spot with the liquor named the applicant as one of the associates were involved in illegal transportation of liquor.

5. On prima facie consideration, this Court does not find that there is any material placed before this Court to show that any order of any proclamation was ever issued against the applicant involved on the basis of memorandum of co-accused Hardeep Mehra, who later on, has been acquitted, this Court is inclined to extend the benefit of anticipatory bail to the applicant notwithstanding bar contained in Section 59-A of the Chhattisgarh Excise Act as no prima facie case seems to have been made out against the present applicant. Accordingly, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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