

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1081 of 2021**

Parmendra Mehta S/o Ramprasad Mehta, Aged About 28 Years, R/o Ward No. 03, Ramanujganj, P. S. Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Out Post Wadrafnagar, Police Station Basantpur, District Balrampur-Ramanujganj Chhattisgarh.

---- Non-applicant

For Applicant : Shri Pushkar Sinha, Advocate

For Non-applicant/State : Shri Vimlesh Bajpai, Government Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****08.09.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 119 of 2021 registered at Outpost Wadrafnagar, Police Station Basantpur, District Balrampur-Ramanujganj, C.G., for offence punishable under Sections 420, 409 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, upon audit of foreign liquor shop of Wadrafnagar, the Auditor detected difference in stock, which was amounting to Rs.26,10,280/-. Based on the audit report, Department has written letter to Placement Agencies of whose employees were running the foreign liquor shop at Wadrafnagar. Looking to the terms and conditions of agreement between the Placement Agency and Excise Department and

responsibility with regard to accounting of the stock on the Supervisor appointed there, First Information Report was registered against present applicant.

3. Shri Pushkar Sinha, learned counsel for the applicant would submit that applicant is not a Supervisor appointed by the Placement Agency, but he is working only as a Salesman, there were as many as six persons working in the shop including the applicant and even if, some irregularity has been committed, then applicant alone cannot be held liable. He further submits that allegation of shortage of stock has been levelled for the period from 01.04.2021 to 10.06.2021, which is a lock-down period, hence, it is not possible for misappropriation of huge amount of Rs.26,10,280/-. It is contended that allegations are false and frivolous, hence, applicant may be enlarged on anticipatory bail.
4. Per contra, Shri Vimlesh Bajpai, learned Government Advocate representing the State opposing the submissions made by learned counsel for the applicant, would submit that applicant is working as Supervisor of foreign liquor shop at Wadrafnagar. Police during the course of investigation has seized the appointment letter of applicant. He further submits that as per agreement between the Placement Agency and Excise Department, it is the responsibility of the Supervisor appointed by the Placement Agency for any shortage liquor stock and misappropriation of funds in the liquor shop.
5. I have heard learned counsel for the parties.

6. Taking into consideration the facts and circumstances of th case, nature of allegations, material collected by the Police during the course of investigation wherein applicant has been found to be appointed as Supervisor and misappropriation of huge amount of Rs.26,10,280/-, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh