

HIGH COURT OF CHHATTISGARH, BILASPUR

• **MCRC No. 8128 of 2020**

- Sanjay Chauhan S/o Shri Vishnu Chauhan Aged About 31 Years R/o Village Nagpura, Police Station Navagarh, Tehsil Nawagarh, District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Navagarh, Tehsil Nawagarh, District- Bemetara, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Manish Nigam, Advocate
For State	:	Mr. Mateen Siddiqui, Dy. A.G.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

26/02/2021

Heard.

1. The applicant has been arrested in connection with Crime No.176/2020 registered at Police Station- Navagarh, District : Bemetara, (C.G.) for the alleged commission of offence under Section 34 (2) of the Excise Act.
2. Prosecution case is that the police raided the house of co-accused and from there 117 bulk liter of liquor was seized which is found to be illegally possessed. The applicant has been involved on the basis of memorandum of co-accused.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and no seizure was made from the possession of the applicant and the applicant is involved on the basis of memorandum of co-accused from whom possession seizure is alleged to have been made. Co-accused Santosh Kumar Khande has been granted bail by this Court vide order dated 14.08.2020 in MCRC No.5047 of 2020, therefore, the present applicant may also be granted bail.
4. On the other hand, learned State counsel opposes and submits that the applicant is also involved in view of memorandum statement of the co-accused.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the seizure is alleged to have been made from the house of co-accused, the applicant is involved on the basis of memorandum of the co-accused and co-accused has been granted bail vide order dated 14.08.2020 in MCRC No.5047 of 2020, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court on the condition that-
 - a) The applicant shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - b) The accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant 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/her from disclosing such facts to the court or to any police officer.
 - c) The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-

(Manindra Mohan Shrivastava)
Judge