

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.A. No. 1256 of 2021**

Vijendra Jindal S/o Rambhagat Jindal aged about 51 Years R/o  
Ward No. 12, Koteswar Nagar District- Raipur (C.G.)

---- Applicant

**Versus**

State of Chhattisgarh through- the Police Station Excise Circle  
Abhanpur, District- Raipur (C.G.)

---- Non-Applicant

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For Applicant : Ms. Madhunisha Singh, Adv.  
For State/Non-Applicant : Ms. Anjali Singh Chauhan, PL.

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**Hon'ble Shri Justice N.K. Chandravanshi****Order On Board****21-10-2021**

1. The applicant has preferred this bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail as he apprehends his arrest in connection with Crime No. 92/2021 registered at Excise Circle, Abhanpur, Distt. Raipur (CG) for the offence punishable under Sections 34(2) of the Excise Act.
2. Brief facts of the case are that on 27-3-2021, at night, during petrolling, Excise officials of Abhanpur Circle, found a Maruti Celerio car bearing registration No. CG 04 HV 1583, standing in suspicious condition in front of Jindal Koyla Factory, village Guma, when the Excise officials were heading towards the car, the person who was sitting in it, fled away taking benefit of darkness of night. During search of the aforesaid car, 84 bottles containing foreign liquor having level of Royal Stag whiskey, for sale in Haryana, total quantity 63 bulk litre were found. On search of surrounding area, they could not get any information about the person fled away from the car. During investigation, it

was found that the applicant is owner of the car. On issuance of notice, applicant's wife told that he had gone to his native place in Haryana. After completion of investigation, charge sheet was filed before the trial Court in absence of applicant under Section 34(2) of the Excise Act.

3. Learned counsel for the applicant submits that the applicant is owner of aforesaid vehicle. Before the date of incident after first lockdown, he had gone to Bhiwani, Haryana to meet and take care of his old aged parents. When he was in Haryana, second lockdown was imposed in the entire country. Therefore, he was stuck there. Thus, on the date of incident, he was not present in Raipur. She further submits that at the time of incident, neither the applicant was present in the car nor alleged liquor was seized from his possession, when notice was served in his house, then his wife told aforesaid facts to the Excise officials, despite that, they have not inquired about the truthfulness of aforesaid facts. She next submits that the applicant has been implicated in this case only on the basis of his ownership of aforesaid car. Thus, case of prosecution is based on conjecture and surmises, therefore, she prays that the applicant be enlarged on anticipatory bail.
4. On the contrary, learned State counsel opposes the arguments advanced by learned counsel for the applicant and submits that the applicant was not only the owner of the aforesaid vehicle, and also he was present in the car at the time of incident, but he fled away from the spot and was absconding after the incident, therefore, charge sheet has been filed in his absence. Therefore, he is not entitled for grant of anticipatory bail.
5. I have heard learned counsel for both the parties and perused the case diary and the material available.

6. As per case of prosecution and case diary, at the time of incident, the the person sitting in the car fled away from the spot and alleged liquor was seized from the car only. Looking to the aforesaid facts and submissions, I feel inclined to grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer/Court arresting him on his executing a personal bond in a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the officer/Court arresting him. The applicant shall also abide by the following conditions:-
  - (i) that he shall make himself available for interrogation before the investigating 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/her from disclosing such facts to the Court or 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;
  - (v) that in case of change of address he will inform new address to investigating agency.

Certified copy as per rules.

**Sd/-**  
**(Shri N.K. Chandravanshi)**  
**JUDGE**