

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1766 of 2020

- Pawan Kumar, S/o Shri Dayaram Maravi, aged about 68 years, R/o Sundanpara, Kota, PS Kota, District bilaspur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kota, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Ravindra Sharma, Advocate.
For Respondent.	:	Shri Vimlesh Bajpai, GA

Hon'ble Smt. Justice Rajani Dubey

Order on Board by Virtual Hearing

08/06/2021

This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime No. 463/2020 registered at Police Station – Kota, District Bilaspur (C.G.) for commission of the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

Prosecution case, in brief, is that on 15.11.2020, after receiving secret information, the police made a search and seized 12 bulk liters of country made liquor from the house of the applicant.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He has stated that in similar matter, the applicant has been granted bail by the co-ordinate Bench (M.Cr.C.A. No. 1172 of 2020 vide order

dated 04.12.2020) on the ground that the applicant was neither occupant or owner of the premises and that the liquor belongs to him. He submits that the applicant has no criminal antecedent, and the seizure has not been made from the exclusive and conscious possession of the applicant, therefore, he may be granted anticipatory bail.

On the other hand, counsel for the State opposes the application for anticipatory bail.

After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the fact the seizure has not been made from the exclusive possession of the applicant, without further commenting on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.

Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:

- (i) that the applicant shall make himself available for interrogation/ medical examination before the concerned investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with

the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

- (iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

suguna