

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2506 of 2015

Amit Kumar Jai, S/o Late Lalit Kumar Jai, aged about 28 years, R/o Village & Police Station Maheshpal, Chuchaligadi, District Raurkela (Orissa), presently R/o Gopal Nagar, Gali No.3, Police Station Gudiyari, Tehsil / District Civil / Rev. Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station Mandir Hasaud, Civil/Rev. Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Alok Nigam, Advocate.
For Non-applicant:	Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

05/08/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.17/2015 (Criminal Case No.3125/2015 pending in the Court of Additional Chief Judicial Magistrate, Raipur), registered at Police Station Mandir Hasaud, Distt. Raipur, for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915.
2. Case of the prosecution, in brief, is that the applicant was found carrying 1,641.600 bulk litres of liquor which was seized on 15-1-2015 at 4.15 p.m.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has falsely been implicated in the case and he is in custody since 16-1-2015. He further submits that the applicant is driver of Amit Kumar Sharma, vehicle owner of the transport vehicle bearing registration No.CG-04/J-6676, from whom the liquor in question

was seized and which was to be delivered to the licensee Ajay Jaiswal of Station Road, Raipur duly granted license by the Chhattisgarh State Beverages Corporation and which is apparent from the memo of the said authority issued on 17-1-2015. He also submits that the vehicle was wrongfully intercepted by the police, as the applicant being the driver could not have copy of the transport permit issued by the competent authority whereas, Ajay Jaiswal was duly granted permit on 16-1-2015 for transporting the said liquor from Beverages Corporation to the Station Road, Raipur.

4. On the other hand, learned State counsel opposes the bail application and submits that the applicant was not found in possession of the transport permit, therefore, the liquor in question was seized.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence and further taking note of the fact that transport permit to transport liquor was granted to Ajay Jaiswal and it was said to be hired by the vehicle owner of the present applicant and it was seized at 4.15 p.m. whereas the transport permit was applicable up to 6 p.m. of that day i.e. 15-1-2015, I am of the opinion that present is a fit case in which the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the CrPC is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:
 1. That, 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.

2. That, 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.
3. That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
(Sanjay K. Agrawal)
Judge