

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6243 of 2015

Sanjeev Sahu @ Pintu S/o Hiralal @ Sunderlal Aged About 21 Years Occupation Labour, R/o Chhota Ramnagar, Station Chowk, Near Kabir Chowk, Police Station : Gudhiyari Raipur, District : Raipur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer P.S. : Mahoudapara (Maudhapara) District : Raipur Chhattisgarh

---- Respondent

For Applicant	:-	Mr. A. D. Kuldeep, Advocate
For Respondent /State	:-	Mr. Vindo Tekam, Penal Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

23/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 131 /2015 registered at Police Station – Mohoudapara, Raipur District Raipur (C.G.) for the offence punishable under Sections 34(2) of C.G. Excise Act.
2. As per prosecution case, a raid being conducted , the applicant is travelling in the car bearing registration No. CG 04-H-7638 wherein 135 bulk liter of country made liquor was recovered from the possession of the applicant.
3. Counsel for the applicant submits that the charge sheet in this case has been filed and the applicant is in jail since 12.08.2015. He further submits that the applicant was the driver of the offending vehicle and the other co-accused namely Deepak Kumar Gupta was the owner of the vehicle, who fled away from the scene of

occurrence and the offence has not been committed by the applicant, and therefore, the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that the applicant is the driver of the vehicle and the other co-accused is absconding and therefore, he should not be enlarged on bail.
5. Having regard to the fact that the applicant is the driver of the vehicle wherein the liquor was being transported and the owner of the vehicle namely Deepak Kumar Gupta was fled away from the scene. Considering the total facts and circumstances of the case and particularly the period of detention, I am of the opinion that it is a fit case where the applicant can be enlarged on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge