

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 934 of 2015

Rajesh Mishra S/o Dashrath Prasad Aged About 47 Years R/o Sharda Para, Kishan Chowk, Camp-2, Bhilai, Tahsil & District - Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Officer-In-Charge, Police Station Paatan, Civil & Revenue District - Durg Chhattisgarh

---- Respondent

For Applicant	:	Shri Mahendra Dubey, Advocate.
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Order On Board

23/09/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.18/2015 registered at police station – Paatan, Civil & Revenue, District-Durg (C.G.) for alleged commission of offence under Section 34(2), 42, 39(G), 34 of Chhattisgarh Excise Act, 1915.
2. Case of the prosecution is that during transportation of liquor under the transport permit from warehouse to the licenced liquor shop, the vehicle was found plying on a diverted route.
3. Learned counsel for the applicant submits that without any specific allegation against the applicant, the only operative reason for including the applicant as accused is that at the relevant time, the applicant was working as manager of the licensee, in whose name, the liquor was being transported. He submits that neither the applicant was found in the vehicle nor the driver of the vehicle has stated anything against the applicant that there was an attempt to divert liquor at the instance of the applicant. Not even, the licensee has stated anything against the applicant in any memorandum.
4. On the other hand, learned counsel for the State opposes prayer and submits that as the vehicle containing liquor was found about 27 kilometers away from the route through

which, it was supposed to be transported under the transport permit, the manager of the licensee, liquor shop and the driver all are prima facie involved.

5. Considering the aforesaid submissions, particularly taking into consideration that the applicant was not found in the vehicle nor in the memorandum of driver of the vehicle applicant has been named, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police 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 from disclosing such facts to the Court or to 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.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava

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