

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 210 of 2016

Rohit Kumar, S/o. Khilawan Patel, Aged About 35 Years, R/o. Village House No. 135, Bastipara Mahasamund, Thana/Tahsil- Mahasamund, District– Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station - Mahasamund, District – Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.496/2015 registered at Police Station- Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that, on 01.11.2015 one Bolero vehicle bearing No.C.G.07 MA 8043 was intercepted which was found to be carrying 171 bulk liters of illicit country made liquor. Subsequently, on investigation, it was found that the applicant had taken the vehicle on rent and the offence has been committed.
3. Learned counsel for the applicant submits that initially when the Bolero vehicle was seized on 01.11.2015, the statement of the owner of the vehicle namely Suraj Shrivastava was recorded on 02.11.2015 and thereafter on 19.11.2015 enquiry was made and therefore it can be stated that the applicant has been falsely

implicated as on 19.11.2015, it was for the first time, the police could know about the owner of the vehicle and therefore the statement recorded on 02.11.2015 is completely fabricated. He further submits that the charge sheet has been filed and the applicant is in jail since 02.12.2015, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that as per the investigation one agreement was recovered whereby the present applicant was said to have taken the vehicle on rent from Suraj Shrivastava and the applicant has committed the offence.
5. Perused the case diary and the statement. The agreement is on record, which was purchased by Rohit Kumar, the present applicant; therefore, taking into the primary evidence which is collected and considering the quantity of seized liquor, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge