

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC NO. 1624 of 2016

Sandeep Kumar Shahjit S/o Chhedilal Shahjit Age-22 years R/o. Qt.
No.1017 Kripal Nagar, Kohaka, Near Devendej School, Bhilai, P.S.
Supela, Dist.Durg (CG)

---Applicant

Versus

State of Chhattisgarh, Through: Learned District Magistrate, Raipur,
Dist. Raipur (CG)

---Non-applicant

For Applicant	:	Mr.Abhishek Sinha, Advocate
For Non-applicant	:	Mr. Vivek Shinghal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

17/03/2016

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.174/2015, registered at Police Station-Saraswati Nagar, District-Raipur (CG), for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 86.4 bulk liters of liquor was seized from vehicle bearing registration No.CG 07 M 3033 which was owned by the present applicant.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. Learned counsel would further submit that liquor is said to have been seized from said vehicle and on enquiry being made about registered owner of the vehicle it was found that the present applicant has purchased the vehicle and on that basis he has been arrested on 16.1.2016. Referring

the judgment of the Supreme Court in the matter of Commissioner of Commercial Taxes, Thiruvananthapuram, Kerala v. M/s. K.T. C. Automobiles¹, he would submit that the applicant is not registered owner, therefore, no legal liability can be fastened upon him and also rely upon the decision of the Supreme Court in the matter of HDFC Bank Limited v. Reshma and others². The applicant is in jail since 16.1.2016 and charge-sheet has been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. Taking into consideration the nature & gravity of the offence, facts & circumstances of the case, taking into the fact that from car bearing registration No.CG-07-M-3033 from which the liquor in question was seized is said to have been purchased by the applicant from Shri Amit Roy on 21.10.2015, statements of Amit Roy, Arun Wankhede & Rajat Chandrakar and other material available on record, I don't consider it a fit case for grant of bail.

6. Accordingly, bail application filed on behalf of the applicant under Section 439 of the CrPC is rejected.

**Sd/-
(Sanjay K. Agrawal)
JUDGE**

B/-

1 AIR 2016 SC 805

2 (2015) 3 SCC 679