

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2903 of 2016

1. Santosh Randhawa @ Sonu S/o Sarvajeet Singh Aged About 27 Years R/o Khursipar, Bhilai, P.S. Khursipar, District Durg, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Police Station Amanaka, Raipur, (District Magistrate Raipur), District Raipur, Chhattisgarh.

---- Respondent

For Petitioner Shri Jitendra Gupta & Shri Md. Tariq Haider, Adv.
For Respondent/ Shri Lav Sharma, Panel Lawyer
State

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/07/2016

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.236/2015, registered at Police Station – Amanaka, District Raipur (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 5-11-2015, the applicant along with other co-accused persons was traveling in Innova Car bearing registration No.CG-07-AR-4042. While they

were coming from Bhilai to Raipur, the said vehicle was intercepted by the police near Happy Dabha and seized 172.8 liters of country made liquor from the vehicle. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the applicant has been implicated in the present case on the basis of false allegations. Similarly placed co-accused persons have already been enlarged on bail by this Court in M.Cr.C.No.579 of 2016 vide order dated 8-2-2016. The applicant is the resident of Khursipar and he had only taken lift in the vehicle. According to the learned counsel for the applicant, the main acquisition has been made against one Jave Hussain, who was given notice under Section 91 of the Cr.P.C., therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that against the applicant earlier an offence under Section 34 (2) of the Chhattisgarh Excise Act was registered in crime No.242/2015.
5. Learned counsel for the application is not able to give any explanation with regard to earlier case registered against the applicant for offence under Section 34 (2) of the Chhattisgarh Excise Act.
6. I have heard learned counsel appearing for the parties.

7. Perused the case diary and the documents. Considering the facts and circumstances of the case and particularly considering the previous antecedents of the applicant and looking to the registration of crime No.242/2015, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge

Gowri