

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3475 of 2016

1. Santosh Kumar Sao, S/o. Ramji Sao, (wrongly mentioned as Ramjeet Sao in the rejection order), aged about 24 years, R/o. Teen Darshan Mandir, Street No.18, Nehru Chowk, Camp No.-1, Bhilai, Post Office & Police Station – Bhilai, District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Kharora, District- Raipur (C.G.)

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/07/2016

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.146/2016, registered at Police Station – Kharora, District – Raipur (C.G.) for the offence punishable under Section 34 (2) of Excise Act.
2. Case of the prosecution, in brief, is that on 13.05.2016, vehicle bearing No.C.G.-07-AR-3007 was intercepted and from the vehicle 138.240 bulk liters liquor was seized. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that the applicant is the registered owner of the vehicle and on the date of incident, the applicant was at Kolkata and the vehicle was taken away by the

driver Sampat Sagar from the mother of the applicant and without his knowledge, the liquor was being transported. He further submits that the applicant was not apprehended on the spot, charge-sheet in this case has been filed and the applicant is in jail since 13.05.2016, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Taking into the fact, the way the offence has been committed and mainly the allegations have been attributed against Sampat Sagar and one Viru. Taking into totality of the case, and the fact that charge-sheet in this case has been filed and the applicant is in jail since 13.05.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge