

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7664 of 2015

Raj alias Prem Yadav, son of Pramod Yadav, aged about 21 years, resident of Ram Nagar Ward No.8, Chikhali, District Rajnandgaon (C.G).

Applicant

Vs.

State of Chhattisgarh, through Station House Officer, Station House Officer, Police Station Dongargarh, District Rajnandgaon (C.G).

Respondent

For the applicant	:	Mr. Shaleen Singh Baghel, Advocate.
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 433 of 2015 registered at Police station Dongargarh, Distt. Rajnandgaon (C.G) for the offences punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 29.10.2015 on receipt of secret information, the road was cordoned off and thereafter when the applicant who was driving the Vehicle bearing Chasis No.MPT 446248 D 9 N 23277 was intercepted, he fled away in the jungle. Subsequently, the vehicle was taken into possession and 86.400 bulk litres of illicit liquor was seized from the said vehicle.
3. Learned counsel for the applicant submits that there is no evidence against the applicant and no one has seen that the applicant was driving the vehicle. He further submits that only on presumption or apprehension, the applicant was arrested, therefore, it cannot be said that the applicant was in conscious possession of the liquor.
4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that since the applicant who was driving the vehicle

fled away in jungle and subsequently on enquiry from the owner, it came to the notice that at the relevant time, the applicant was driving the vehicle.

5. Perused the case diary and the statement of owner. Considering the quantity of liquor seized and the way in which the offence committed and further considering the statement of the owner of the vehicle I am not inclined to release the applicant on bail. Accordingly, it is rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

Rao