

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1863 of 2016**

- Ravishankar Dubey S/o Shri Chandrika Prasad Dubey, Aged About 21 Years R/o Ranibachali, P. S. Ratanpur, District Bilaspur (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Chakarbhatta, (Chowki Sakri), District Bilaspur (Chhattisgarh).

---- Non-Applicant

For Applicant : Mr. Sourabh Sharma, Advocate

For Non-Applicant/State : Mr. Vivek Sharma, GA

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/06/2016**

1. The applicant has preferred this application for grant of bail as he is in custody since 22.02.2016 in connection with Crime No.42/2016, registered at Police Station : Chakarbhatta, District – Bilaspur for offence punishable under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act, 1915.
2. Case of the prosecution, in brief, is that on 27.01.2016 it is said that 59.400 bulk liter country made liquor has been seized from Maruti Van bearing Registration No. CG-12/R/0771. The said vehicle is owned by one Vishnu Prasad Kaushik on the date of incident and the present applicant was driving the said vehicle. The present applicant was arrested on 22.02.2016 on the basis of statement of the owner that the present applicant was driver of the said vehicle on the date of said incident.
3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the crime in question and he was not driving the said vehicle on the date of incident. He further submits

that it is the first offence registered against him and he is a driver by profession and a young boy of 21 years and is in custody since last more than 03 months.

4. On the other hand, learned State counsel opposes the bail application and submits that present applicant is said to be the driver of the said vehicle from which alleged liquor has been seized on the date of incident. It is only about one month from the date of incident the applicant has been arrested and therefore, he is not entitled to be released on bail.
5. Considering the facts and circumstances of the case, in particular, that the prosecution has not been able to *prima-facie* establish the fact that the present applicant was the driver who was driving the said vehicle on the date of incident, this Court of the opinion present is a fit case for grant of bail to the applicant.
6. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
Vacation Judge