

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2398 of 2016

- Balwant Singh S/o Ramjot Singh Aged About 37 Years R/o Village Baneri, Post Karai, Thana Aaron, Tehsil Ghatiyagaon, Civil & Revenue District Gwalior, Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station Police Station Saja, Civil & Revenue District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Shri P.P.Sahu, Advocate
For Respondent	: Shri U.N.S.Deo, G.A.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

18/05/2016

The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 406/2016, registered in Police Station Saja, District : Bemetara for offence punishable under Section 34 (2) of the Excise Act.

2. One Vimal Dheemar of village Mohbhata, P.S. Saaja, witnessed two persons on a motor cycle on 27.12.2015. On being intercepted they ran away leaving the vehicle on the spot. Later on it was discovered that 36 bulk litres of country made liquor was concealed near the pond. The motorcycle was seized by the villagers and was handed over to the police. During investigation, the vehicle was found to be registered in the name of one Bhawani Sahu who had sold the same to Maheshwar Sahu who in turn sold it to Devendra Singh Rajput on 29.11.2015. Devendra Singh is the Manager of the liquor shop at Saaja. The applicant was not apprehended on the spot but was arrested on 5.2.16, nearly after more than a month from the date of incident. The case diary does not contain anything in the shape of statement of any villager naming the present applicant as the person who was seen running away, leaving the motorcycle on the spot. The case diary contains reference to TI parade, however, the charge sheet filed against the applicant

does not include the memo of TI parade. The concerned police has not reported any previous antecedent of the applicant's involvement in similar nature of offence.

3. It is also to be seen that the owner of the vehicle namely Devendra Singh has not been implicated in the crime.

4. Considering the entirety of the case, I am of the opinion that it is a fit case where the applicant can be released on bail. Accordingly, the bail application is allowed. It is directed that in the event of the applicant's executing 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 shall be released on bail. He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Prashant Kumar Mishra)
Vacation Judge