

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2737 of 2016

Lav Kumar son of Rajendra Pandey, aged about 23 years, resident of Koshtipara, Rajnandgaon, Tahsil and Civil and Revenue District, Rajnandgaon (CG).

APPLICANT

Versus

State of Chhattisgarh through Excise Circle Khairagarh, PS Khairagarh, Civil and Revenue District Rajnandgaon (CG).

RESPONDENT

For Applicant	: Shri Mirza Hafeez Baig, Advocate.
For Respondent	: Shri Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

07.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.290/2015 registered at Police Station Khairagarh, Distt. Rajnandgaon, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that the applicant along with other co-accused were found carrying 77.76 bulk liters of illicit liquor in his Centro Car bearing registration No.CG-04-A/5223.
3. Learned counsel for the applicant submits that the applicant is in detention since 25.12.2015. He further submits that he has been falsely implicated in the case as he is only driver of the said Car. He was not arrested at the place of incident, but at the time when he was called by the Excise Department for interrogation. He further submits that seizure witness has turned hostile, and

therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that conduct of the applicant is not so good and it is the applicant and other co-accused on whose possession the said liquor was seized.
5. I have heard the counsel appearing for the parties.
6. Without commenting on merits, considering the totality of the facts and circumstances of the case, more particularly the seizure witnesses have turned hostile and also considering the fact that the applicant is in detention since 25.12.2015, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail. None of the other cases cited by the State counsel were under Excise Act.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE