

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 2950 of 2016**

Rahul Das S/o Krishna Das Aged About 28 Years R/o. M.I. 2/1601,  
C.G. Housing Board Colony, Jamul, Bhilai, P.S. Jamul, District Durg  
Chhattisgarh.

**---- Applicant**

**Versus**

State of Chhattisgarh Through The District Magistrate, Bemetara,  
District Bemetara Chhattisgarh.

**---- Respondent**

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| For Applicant        | :- | Shri Uttam Pandey, Advocate     |
| For Respondent/State | :- | Ms. K. Tripti Rao, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**21.06.2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 314/2016 registered at Police Station- Berla, District Bemetara (C.G.) for the offence punishable under Sections 34(2) of Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 18.12.2014 an information was received and when the vehicle was intercepted, the driver of the vehicle fled away from the car and from car 135 liters of liquor was recovered.
3. Counsel for the applicant submits that the applicant was not apprehended at the spot, since the applicant purchased the car a day before the incident and it was the driver Mohit who was the in-charge of car at the time of incident. He further submits that the applicant was arrested on 29.03.2016, after about 15 months of the incident as the Police itself was not sure about the offence

committed by the applicant, therefore, the applicant may be enlarged on bail.

4. Counsel for the State opposes the prayer for grant of bail.
5. Perused the case diary and the statement. As per the statement of the eye-witness which purports that the applicant was the person who was driving the car at the time of incident and when it was stopped he fled away by taking advantage of darkness. Subsequently, the car was found in the name of the applicant. Considering the quantity of seized liquor, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-  
**(Goutam Bhaduri)**  
Judge