

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3445 of 2016**

Surendra, S/o Kanhaiya Kumhar, aged about 27 years, R/o
Aditay Nagar, P.S. Mohan Nagar, District Durg (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through: P.S. Berla, District Bemetara
(C.G.)

---- Non-applicant

For Applicant: Mrs. Kiran Jain, Advocate.
For Non-applicant/State: Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/06/2016**

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who is in jail since 24.05.2016 in connection with Crime No. 122/2016 registered at Police Station-Berla, District Bemetara (C.G.), for the offence punishable under Section 34(2) of the C.G. Excise Act.

(2) As per the prosecution story, 54 bulk liters of illicit liquor was found in a Nano car bearing registration No. C.G.-07-AV/2521 being driven by co-accused Kuldeep Verma, who is owner of the said car, and the present applicant was found sitting in the said car.

(3) Counsel for the applicant submits that applicant is innocent, he is not aware about the liquor that was available in the vehicle as the

vehicle belonged to co-accused Kuldeep Verma and he was only accompanying Kuldeep Verma without any knowledge of there being liquor in the vehicle. He further submits that there is no past criminal antecedents against the present applicant and therefore, he may be released on bail.

(4) On the other hand, counsel for the State opposes the prayer for grant of bail and submits that applicant has actively participated in the crime in question and, therefore, he is not entitled for regular bail.

(5) Taking into consideration the entire facts and circumstances of the case, more particularly the fact that the car, in which the illicit liquor was seized, belonged to co-accused Kuldeep Verma and further considering the detention period of the applicant; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application for grant of bail is allowed.

(6) Accused/applicant- **Surendra** is directed to be released on bail on his executing a personal bond in the sum of Rs.20,000/- with one surety in the like sum 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.

Certified copy, as per rules.

Sd/-

(P. Sam Koshy)
V. Judge

D/-

