

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3038 of 2016

Lakhvindar Kaur Aged About 27 Years W/o Jaspal Singh R/o Bhilai Power House, Nandani Road, Opp. Karuna Hospital, Vivekanand Nagar, Sharma Colony, Ward No. 25, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Simga, District Baloda Bazar Bhatapara, Chhattisgarh

And

MCRC No. 3476 of 2016

Santosh Randhawa S/o Sarvajeet Randhawa Aged About 28 Years R/o Village Khursipar, Zone-2, Street No. 87, P.S. Khursipar, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh

---- Respondent

For applicants - Shri Hemant Gupta and Shri Jitendra Gupta, Advocate.
For Respondent/State – Ms. K. Tripti Rao, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/06/2016

1. Both these bail applications are decided by this common order as they are arising out of the same crime number.
2. The applicants have preferred these applications for grant of bail as they are arrested in connection with Crime No. 242/15 registered in Police Station Simga Revenue & Civil District Baloda-Bazar-Bhatapara (C.G.) for offence punishable under section 34 (2) of Excise Act.
3. As per the prosecution case on 24/07/2015 the vehicle bearing No.C.G.07 AQ-1086 was intercepted and it was found that 142.380 bulk

liter of english liquor was being transported and the driver of the vehicle fled away.

4. Learned counsel appearing for the applicant Lakhvinder Kaur in M.Cr.C. No.3038/2016 would submit that it is case of the prosecution that the vehicle was leased out to the other co-accused Santosh Randhawa on lease on 10/07/2015 and the agreement was entered which is supported by the statement of Ashwani Kumar Stamp Vendor and therefore as such possession of the vehicle was exclusively with Santosh Randhawa, therefore applicant Lakhvinder Kaur have been falsely implicated in this case and she may be released on bail.

5. Learned counsel appearing on behalf Santosh Randhawa in M.Cr.C. No. 3476/2016 would submit that no body has seen the applicant was incharge of the vehicle and it is at the instance of the owner Lakhvinder Kaur the applicant Santosh Randhawa has been inculpated. He submits that applicant Santosh Randhawa was not incharge of the vehicle at the relevant time. Therefore, he may be released on bail.

6. Learned State counsel would submit that according to the prosecution investigation the vehicle was handed over to Santosh Randhawa and leased out by Lakhvinder Kaur by agreement dated 10/07/2015. According to the investigation when vehicle was intercepted Pradeep Yadav informer has seen Santosh Randhawa had fled away.

7. Considering this fact and the submission made by the State counsel it is case of the prosecution that the vehicle was in exclusive possession of Santosh Randhawa as per agreement dated 10/07/2015 which is part of charge sheet. Prima facie, it appears that Lakhvinder Kaur was not in possession of the vehicle at the relevant time when incident occurred which is subject of further adjudication by the trial court. Considering the fact that applicant Lakhvinder Kaur in M.Cr.C.

No.3038/2016 is a lady and primary submission of the State counsel is also that applicant Lakhvidar Kaur was not in possession, this court is inclined to release applicant **Lakhvindar Kaur** in **M.Cr.C. No.3038/2016** on bail.

8. Accordingly, the bail application in respect of applicant **Lakhvindar Kaur** bearing **M.Cr.C. No.3038/2016** is allowed and it is directed that the applicant **Lakhvindar Kaur** shall be released on her furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for her regular appearance before it as and when directed

9. With respect to applicant **Santosh Randhawa** in **M.Cr.C. No. 3476/2016** as per statement of Pradeep Yadav it is stated that he fled away from the scene at the relevant time when vehicle was intercepted. Considering the huge quantity of liquor seized, this court is not inclined to release applicant **Santosh Randhawa** in **M.Cr.C. No. 3476/2016**.

10. Accordingly, the bail application in respect of **Santosh Randhawa** bearing **M.Cr.C. No. 3476/2016** is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE