

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5260 of 2016

Rahul Sayankar, S/o. Ashok Sayankar, Aged About 26 Years, R/o. Village Vella (Vedha), P.S. & Tahsil Hinganghat, District Vardha, Maharashtra.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Ambagarh Chowki, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shailendra Dubey, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.09.2016

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.63/2016 registered at Police Station Ambagarh Chowki, Distt. Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, a Bolero vehicle bearing No.MH-32 Q 2402 was intercepted and in the vehicle total 993.06 bulk liters liquor were seized and at the relevant time the applicant was driving the vehicle who fled away from the scene and subsequently after his arrest, he was identified to be driver of the vehicle.
3. Learned counsel for the applicant would submit that initially the applicant is the owner who had sold the vehicle to one Nirmal Ankalu then Nirmal Ankalu had further given it to Mahesh Prakash to drive the vehicle on rent and therefore the applicant was not in possession of the vehicle at the time when it was intercepted. He further submits that the applicant is in jail since 22.06.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Further, perused the statement of Avinash and Lalit Baghel wherein they have stated that the vehicle was being checked, which was being driven by the Driver who tried to fled away from the scene and the police who was in the vehicle jumped on the vehicle and chased him. Subsequently, the applicant was arrested and he was identified that he was driving the vehicle. Considering the evidence available and 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 dismissed.

Sd/-
(Goutam Bhaduri)
Judge