

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5427 of 2016

- Mithlesh Thakur S/o Baliram Thakur Aged About 24 Years R/o Camp 1, Sangram Chowk, Bhilai, Near Manish Furniture, P.S. Chhawani, District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Berla, District Bemetara, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Uttam Pandey, Advocate
For the Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 122 of 2016 registered at P.S. Berla, Distt. Bemetara (C.G) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, when a raid was conducted by the police, 54 bulk litres 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. Learned counsel for the applicant submits that the 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 are no past criminal antecedents against the present applicant and therefore, he may be released on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that earlier no case of similar nature u/s 34 of Chhattisgarh Excise Act was registered against the applicant.
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 as he is stated to be in jail since 15.07.2016, this Court is of the view that it is a fit case to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE