

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 416 of 2017

Anup Kumar Dewangan, S/o. Kartikram Dewangan, Aged About 34 Years,
R/o. Chandkhuri Farm, Mandir Hasaud, Police Station Mandir Hasaud,
District Raipur, Present Address : Tata Line Ward No. 8, Supela, Bhilai,
Revenue & Civil District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Durg, District Durg,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Bhaskar Payashi, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/02/2017

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.881/2016 registered at Police Station- Durg, District Durg (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on a raid being conducted, from the possession of the present applicant, who was driving the Auto bearing No.C.G.07 T 4135, total 90 bulk liters of illicit liquor was seized from one Jitendra, who was the passenger of the vehicle.
3. Learned counsel for the applicant would submit that the applicant was only the Driver of the vehicle and he has not committed any offence. He further submits that the entire seizure was made from one Jitendra, therefore, the applicant 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. Considering the facts and circumstances of the case and the fact that the seizure was made from one Jitendra, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge