

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 699 of 2018

- Tikam Verma S/o Vinayak Verma, Aged About 23 Years R/o Village Marouda, Police Station And Tahsil Khairagarh District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pendra, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Rakesh Pandey, Advocate.
For Respondent/State	:	Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/02/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.371/2017, registered at Police Station- Pendra, District – Bilaspur(C.G.) for the offence punishable under Sections 34(2), 59(a) of the Chhattisgarh Excise Act.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. Applicant was present in the vehicle simply as in the capacity of driver when the seizure of the liquor has been made. Seizure memo shows that the liquor was seized from the possession of co-accused Dilbagh Singh, no case is made out against this applicant. Hence, he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the investigation, the co-accused was a driver present in the said vehicle when the vehicle was seized by the police personnels. The applicant tried to make an escape, but was apprehended with the liquor, hence, looking to the quantity of liquor seized in this case, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. On the date of incident i.e. 1.12.2017, police personnel of PS-Pendra District Bilaspur, intercepted and stopped a pickup bearing registration No.CG-08AC-0923. Co-accused Dilbagh Singh was driving the vehicle whereas the applicant was present seated in the same vehicle. On a search made, 41 cartons of foreign liquor in total 369 bulk litres was seized from the said vehicle.
6. Considering the huge quantity of liquor seized on the vehicle and that applicant was not the possession of the same is yet to be explained in the trial, hence, I am of this view that applicant is not entitled for grant of regular bail.
7. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge