

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1207 of 2018

Anil Sen @ Dhananjay, S/o. Late Rajbhan Sen, Aged About 22 Years, R/o. Occupation- Vegetable Transporter, R/o. Ward No. 14, Lalbag, Near Juvenile Justice Court, Shahdol, P.S. and Tah. Shahdol, District- Shahdol (M.P.).

---- Applicant

Versus

State Of Chhattisgarh, Through- The District Magistrate, Kawardha, District- Kabirdham (C.G.).

---- Respondent

For Applicant	:	Mr. Rakesh Thakur, Advocate
For Respondent	:	Mr. Vinod Tekam, 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 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 277/2017, registered at Police Station- Piparia, O.P. Dashrangpur, District – Kabirdham (C.G.) for the offence punishable under Section 34(1) (a), 34(2) of the Chhattisgarh Excise Act.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case only for the reason that he happened to be the owner of the pick-up vehicle bearing registration No. M.P.-18-GA-3638, in which the liquor was being transported. Applicant had simply used his vehicle for transport of vegetables through driver employed by him. No liquor has been seized

from this applicant and no case is made out. Therefore, it is prayed that the applicant may be enlarged on bail.

3. Learned State counsel opposes the application and the submission made in this respect. It is submitted that in total 594 bulk liters of foreign liquor was seized from two vehicles and 11 persons have been made accused in this case. Applicant was the owner of one of the vehicle and he has offered no explanation as to the liquor was transported through his vehicle was within his knowledge or not, therefore, he is not entitled for grant of bail.
4. Case of the prosecution in brief is that on the date of incident, police personnel of the out post – Dashrangpur under jurisdiction of Police Station – Pipariya, searched the pick-up vehicle, bearing registration No.M.P.-18-GA-3638 in presence of the driver and helper of the said vehicle and 45 cartoons containing foreign liquor bottles were seized from the spot and the some arrest was made. During investigation, the registration papers and other documents of the said vehicle have been seized from this applicant and he has been arrayed as an accused in this case.
5. I have heard the learned counsel for the parties and perused the case diary and the document placed on record.
6. Considered the submissions made and the contents of the case diary. As it appears that this applicant was not present on the spot of the incident, when liquor was seized on the said vehicle, and also looking to the evidence i.e. proposed to be brought against him for his prosecution in this case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge