

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1924 of 2018

- Anil Sen @ Dhananjay S/o Late Rajbhan Sen Aged About 26 Years
Occupation- Vegetable Transporter, R/o- Ward No. 14, Lalbag, Near
Juvenile Justice Court, Shahdol, P.S. And Tahsil- Shahdol, District-
Shahdol, Madhya Pradesh., District : Shahdol, Madhya Pradesh

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Rakesh Thakur, Advocate.
For Non-applicant/State	:	Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-03-2018

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. 104/2017, registered at Police Station- Kukdur, District – Kabirdham(C.G.) for the offence punishable under Section 34(1)(a), 34(2), 36-A & 36-C of the Chhattisgarh Excise Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case only for the reason that he is the registered owner of the pick-up bearing registration No. MP-18-GA-3638 from which the liquor was being transported as alleged. Applicant was not present on the spot of the incident and no case is made out against him. Hence, it is prayed that 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 applicant was the person on whose direction the liquor was being transported, hence, he is not

entitled for grant of bail.

4. Foreign liquor 303.66 bulk litres was seized from the driver of the pick-up bearing registration No. MP-18-GA-3638 which was being transported from the driver of the vehicle, as the driver has stated that he was working under the instruction of the applicant. Hence, this case.
5. Heard both the parties and perused the case diary.
6. As the applicant was not present on the spot and the only evidence against this applicant is the statement of co-accused person, for these reasons, I am of this view that this is a fit case where applicant should be released on regular bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on her 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 her appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha