

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3610 of 2018**

Ghanshyam Dhruv, S/o. Sakharam, Aged About 44 Years, R/o.- Village Bamnih, P.S. Mahasamund, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Station- Koni, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Aparajita Gaikwad, Advocate
For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/05/2018

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. 108/2018, registered at Police Station- Koni, District – Bilaspur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that on 24.12.2017 before sun rise 248.22 liters of foreign liquor was seized from the abandoned vehicle bearing registration No.C.G.-15-B-2084. No person was present on the spot. This applicant has been arrested later on being found that he was the registered owner of the said vehicle.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The liquor has been seized from the abandoned vehicle and this applicant has no connection with the liquor found in that vehicle. He has no connection with the liquor seized and

he was arrested on 13.04.218, subsequently without any basis only for the reason that he was the owner of the said vehicle. Hence, it is prayed that the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that this applicant is responsible for the possession of the liquor that was found in the abandoned vehicle, hence, he is not entitled for grant of bail.
5. Taking into consideration the totality of the circumstances and looking to the evidence proposed against this applicant and the applicant is in jail since 13.04.2018, this Court is 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.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge