

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3742 of 2018**

Raju Soni Alias Lakshmichand Soni, S/o. Shankar Soni, Aged About 21 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 Gayakwad, Advocate

For Respondent : Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/06/2018**

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. 118/2018, registered at Police Station- Koni, District – Bilaspur (C.G.) for the offence punishable under Section 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. He has no connection with the liquor seized by the investigating agency. The date of incident is on 24.12.2017, but the applicant has been arrested on 13.04.2018. Similarly placed co-accused person has been granted bail by this Court. Hence, it is prayed that he may also be enlarged on bail.

3. Learned State counsel opposes the prayer for grant of bail and submitted that huge quantity of liquor has been seized in this case and the applicant was present on the spot, who fled away, hence, no case is made out in this case for grant of bail.
4. I have heard the learned counsel for the parties and perused the document placed on record.
5. As per prosecution case on 24.12.2017, police personnel of police station – Koni, Bilaspur stopped the vehicle bearing No.C.G.15-B-2084, the driver and the other occupants of the vehicle abandoned the vehicle and fled away. On search 148.22 liters of foreign liquor was seized, which was being transported in that vehicle. Hence the offence was registered.
6. It is a fact that this applicant was not apprehended on the spot. He has been arrested on 13.04.2018. No test identification parade has been conducted in this case, hence, looking to this fact and for the reasons that the other co-accused person has been enlarged on bail, this Court is inclined to release the applicant on 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge