

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4330 of 2018

- Hivendra Verma S/o Shri Fakira Verma Aged About 20 Years By Caste- Lodhi, R/o- Village- Saloni, Thana And Tahsil- Dongargarh, Civil And Revenue District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through- The Station House Officer Police Station- Dongargarh, Civil And Revenue District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Sumit Shrivastava, Advocate.
For Respondent : Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/07/2018

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.105/2018, registered at Police Station– Dongargarh, District– Dhamtari(C.G.) for the offence punishable under Sections 34(2) of the C.G. Excise Act and 307/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 2.5.2018. No case is made out against this applicant. After completion of investigation, charge-sheet has been filed. The date of recovery of

illicit liquor is 12.4.2018, whereas the applicant has been arrested on 2.5.2018, therefore, no connection of this applicant with the crime committed is made out, Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. According to the case of prosecution, on the date of incident this applicant was transporting 135 bulk liters of foreign liquor in a vehicle. When the police party tried to stop the vehicle for search, applicant dashed the vehicle of the police personnel and took his vehicle away from the spot and, thereafter, the liquor was seized from the said vehicle in abandoned condition. Hence, this case.
6. No separate TIP for identification of the applicant has been conducted. Applicant has been arrested on the basis of the memorandum statement given by the co-accused person, hence, looking to the evidence that is against this applicant, and on the basis of the observations made hereinabove, I am of this opinion that this is a fit case where the applicant should be released on regular bail during the pendency of this case.
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 his 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha