

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6765 of 2018**

Dilbag Singh Punjabi S/o Preetam Singh Punjabi Aged About 39 Years R/o
New Police Line Durg Police Station Padmnapur District Durg Chhattisgarh,
District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer Police Station Gourela,
District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Yogendra Chaturvedi, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.10.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.371 of 2017, registered at Police Station – Pendra (It is submitted by counsel for the applicant that in the cause-title of the applicant erroneously mentions police station as Gourela, District Bilaspur whereas, the correct police station is Pendra, District Bilaspur), District Bilaspur, Chhattisgarh for the offence punishable under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 1.12.2017 i.e. almost 10 months in detention and has been falsely implicated in this case. The charge-sheet has been filed and the trial against

the applicant is still not concluded. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the application of the co-accused person has been rejected by this Court for the reason that huge quantity of foreign liquor has been seized in this case. Hence, no case is made out for grant of anticipatory bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, the police personnel of police station Pendra made a seizure of 369 bulk liters of foreign liquor from the possession of the applicant when he was transporting the same in a truck. Hence, this case.

6. It has been submitted on behalf of the applicant that the applicant is simply driver of the said truck and had been working on the instructions of the owner of the vehicle. Hence, after due consideration of all the material present in the case-diary and also the fact that there is no likelihood of his absconding during the pendency of trial against the applicant, I am of the considered view that in this case the applicant deserves to be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge