

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8444 of 2018**

- Mahesh Kumar Mahto S/o Jagdish Mahto Aged About 32 Years Caste Yadav, R/o Village Peethrom, Post Kakwara, P. S. Banka District Banka Bihar

---- Applicant**Versus**

- State Of Chhattisgarh Through The Police Station Excise Circle, District Raigarh CG

---- Respondent

For applicant	Mr. Saurabh Dangi with Shri T. Nayak and Ms. Aditi Singhvi, Adv.
For Respondent/State	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****1-11-2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court.
2. The applicant has been arrested in connection with Crime No. 47/2018 registered in Excise Circle, Distt. Raigarh (CG) for offence punishable under Section 34(1)(2) and 59(a) of the CG Excise Act.
3. Prosecution story in brief is that the applicant who is driver of the vehicle bearing Registration No. NL 01 K 8759 was transporting foreign liquor from Mallepally to Siligudi. The route for which permit was granted was - Mallepally – Nagpur – Sambalpur – Jharsuguda – Raurkela – Ranchi – Dhanbad – Benka – Sahibganj – Kisanganj – Dalkola – Siligudi. The permit was valid from 9-10-2018 to 18-10-2018. The quantity of liquor being transported was 9,360 bulk litres. On 15-10-2018 at Old Jindal Barrier, Ordana, Raigarh, Excise Sub Inspector Raigarh seized said vehicle because the said vehicle was going from different rout to Ranchi via Gharghoda, Jashpur and Lodam.
4. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposed the bail application. However, he submits that no criminal antecedent

of the applicant is reported in the police case diary.

6. Looking to the above facts and circumstances of the case, and looking to the fact that the applicant had valid permit though he adopted different route to reach Ranchi, and as trial will take its own time, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 50,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
7. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge