

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6170 of 2019

- Ashok Gayakwad S/o Shri Umrao Gayakwad, Aged About 46 Years, R/o Kuthela, Police Station Arang, Tahsil Arang, District Raipur Chhattisgarh Mob. No. 9300200441, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station Arang, District - Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Smt. Sunita Sahu, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 27-08-2019 in connection with Crime No.438/2019 registered at P.S. - Arang, District - Raipur, Chhattisgarh for the offence under Section 34(2) of C.G. Excise Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 27-08-2019. The applicant is only the driver of the vehicle. The seizure that has been made were made from four other co-accused persons, whereas, name of this applicant was joined later on by the police and he has no connection with the seized liquor. Therefore, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that seizure of 234.00 bulk liter illicit liquor has been made jointly from this applicant and four accused persons. Hence, he is not entitled for grant of bail.

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

5. After considering on the submissions made and the contents of the case diary and further for the reason that other co-accused persons have been granted bail, I feel inclined to allow this application.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge