

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6347 of 2020**

- Ashish David S/o Milton Aged About 44 Years R/o Sector - 5, Bhilai, Thana Bhilai, District Durg Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Ratanpur, District Bilaspur Chhattisgarh

---- Respondent

For Applicant : Shri Anshuman Rabra, Advocate

For Respondents/State : Ms. Richa Shukla, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order****05/02/2021**

1. Heard.
2. 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 on 17.08.2020 in connection with Crime No.462/2020 registered at Police Station Ratanpur, Bilaspur (CG) for the offence punishable under Sections 34 (2), 59(a) Excise Act.
3. As per the prosecution case, on 22.07.2020, a car which was being driven by Abhijeet Chakraborty was intercepted and from the car 261 liters of illegal liquor was seized. Subsequently, on the memorandum of the accused, it was found that the present applicant had given the car for the commission of the offence

and the applicant is the owner of the car and was in continuous conversation with the main accused, therefore, the applicant was arrested.

4. Learned counsel for the applicant submits that the applicant was neither present on the spot nor any seizure was made from him and only on the basis of the memorandum he has been arrested. He would further submit that there is no direct evidence against the applicant and merely on the basis of the conversation, the applicant cannot be inculpated, therefore, the applicant may be released on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the evidence is available against the applicant and he was in continuous conversation with the main accused.
6. Considering the nature of evidence available against the applicant and the applicant is arrested on 17.08.2020 taking into such detention, I am inclined to release the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu