

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 8258 of 2021

Ravindra @ Bindal Sovain S/o Shri Bhagirathi Aged About 36 Years R/o Chirmiri, Godripara, P.S. Chirmiri, Distt. Korea (C.G.), District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station In-Charg Police Station Jharkhand, District Korea (C.G.), District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Shri Anuroop Panda, Advocate

For Non-applicant : Shri Amit Kumar Verma, Panel Lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order On Board

10/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.36/2021 registered at Police Station- Jhagrakhand, District- Korea (C.G.) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. Case of prosecution is that applicant along with co-accused was transporting illicit liquor. After seeing the police, applicant who was driving the motorcycle, turned around and tried to escape, upon which, the pillion rider who was holding illicit liquor measuring 27 bulk litres fell down along with liquor and applicant ran away along

with motorcycle. Co-accused was arrested. Based on his memorandum statement, applicant was also made co-accused and was arrested on 2.10.2021.

3. Shri Anuroop Panda, learned counsel for the applicant would submit that applicant is not involved in commission of any offence. He was arrested based on memorandum statement of the co-accused only. There is no seizure of liquor from his possession. Applicant is in jail since 2.10.2020, hence, he may be enlarged on bail.
4. Shri Amit Kumar Verma, learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that it is the applicant who was driving the vehicle on which co-accused was carrying liquor and fell down, co-accused was arrested from the spot. Based on his memorandum statement, applicant was arrested. There are as many as 29 criminal antecedents against applicant of similar nature from the year 1999 to 2018, hence, applicant is not entitled for grant of bail.
5. Learned counsel for applicant submits that applicant has not committed any offence of similar nature in recent past and looking to his pre-trial detention period, he may be released on bail.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, the fact that offences are triable by the Magistrate, without commenting anything on merits, I am inclined

to allow the bail application.

8. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-

- a) Applicant shall appear before the trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge