

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8814 of 2021

Arvind Kumar Sahu S/o Shri Ashwan Kumar, Aged About 24 Years, R/o Near Shiv Mandir, Hardware Line, Supela, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Excise Circle Rajnandgaon-B, District Rajnandgaon, Chhattisgarh.

--- Respondent

For Applicant	: Mr. SS Baghel, Advocate.
For State	: Mr. Vaibhav Singh, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

15/12/2021

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.54/2021, registered at Police Station Excise Circle Rajnandgaon-B, Civil and Revenue District Rajnandgaon, (C.G.), for commission of offence punishable under Section 54(2), 36 & 59-A of CG Excise Act.
2. Case of prosecution is that on 27.02.2021 Police received secret information that applicant is transporting illicit liquor on Swift Car bearing registration No.CG08/SA/1820. Upon receiving information, Police tried to stop Swift Car near Excise Chekpost Pategohra, but co-accused -Praveen Deshmukh (driver of car) instead of stopping the car, tried to flee away after breaking of the barrier and dashed with Mahindra Bolera vehicle bearing registration No.CG/08/AP/9604 which is being used by Police party. After accident, co-accused (Praveen Deshmukh) was arrest and applicant who is seating on passenger seats succeeded in fleeing away from spot. Based on memorandum statement of co-accused, crime was also registered against applicant and he was arrested 08.10.2021.

3. Learned counsel for applicant submits that applicant has been falsely implicated in this case. Except memorandum statement of co-accused there is no any other material to connect the applicant in aforementioned crime. There is no other criminal antecedent against applicant. Applicant could not convicted only on the basis of memorandum statement of co-accused, who was arrested from spot alongwith illicit liquor. Co-accused has been enlarged on regular bail by the co-ordinate Bench of this Court vide order dated 06.09.2021. Hence, applicant may also be enlarged on regular bail.
4. Learned State Counsel opposes the submission of learned counsel for applicant and submits that applicant is also accompanying the co-accused in Swift car. Due to accident which took place when co-accused tried to run away from spot alongwith Car, applicant managed to flee away. Hence, there is prima facie involvement of applicant in commission of crime. He is not entitled for grant of bail. However, on putting specific query with regard to any criminal antecedent against applicant, he after going through case diary submits that no other criminal antecedent against applicant is mention in case diary.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, the fact that applicant is made accused based on memorandum statement of co-accused who is stated to be enlarged on regular bail by Co-ordinate Bench of this Court, submissions of learned counsel for parties that no other criminal antecedent is registered against applicant, period of pre-trial detention of applicant since 08.10.2021, offence to be triable by Magistrate, without commenting anything on merits of the case, I am inclined to allow bail application.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing a bail bond in 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) He shall not, in any manner, tamper with the prosecution witnesses.
- c) If he 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

Jamal/-