

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8841 of 2021

Ravi Dhruv S/o Pardeshi Ram Dhruv, Aged About 24 Years, R/o Kalyan Sagar, Ward No.7, Bhatapara, Baloda Bazar, District Baloda Bazar-Bhatapara, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh Through Station House Officer, Excise Thana Bhilai Circle 03, Durg, Chhattisgarh.

--- Respondent

For Applicant	: Mr. Aman Pandey, Advocate.
For State	: Mr. Shrikant Kaushik, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

14/12/2021

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.34 of 2021, registered at Police Station -Excise Thana Bhilai Circle 03, Durg, (C.G.), for commission of offence punishable under Sections 34(2) of CG Excise Act.
2. Case of prosecution is that on 07.08.2021 Official of Excise Department found one Mahindra Bolero vehicle bearing registration No.CG/22/R/1903 standing in suspicious condition near Godi Murmunda Road. After preparing Panchnama, they searched the vehicle, during search seized 100 cartons of foreign liquor with an endorsement for sell in Arunachal Pradesh. One Mangal Nishad was arrested from spot. During course of investigation from RTO office, it came to know that vehicle was owned by Smt. Okeshwari Sahu. While interrogating her, she stated that vehicle was taken on rent by present applicant and thereafter he was arrested.
3. Learned counsel for applicant submits that applicant is not involved in any manner in commission of crime, it is driver of vehicle who used to take vehicle for transporting goods. Applicant does not travel along-with driver and goods to the place to its destination. Co-accused Mangal Nishad has committed an illegal act without his knowledge. There is no other criminal antecedent against

applicant. Applicant is in jail since 02.10.2021, offence is triable by Magistrate and trial may take some time for its conclusion. Hence, he may be enlarged on regular bail.

4. Learned State Counsel opposes the submission of learned counsel for applicant and submits that in statement of owner of vehicle it has come that it is applicant who has taken vehicle on rent and was plying it. Hence, there is prima facie involvement of applicant also in commission of crime. He is not entitled for grant of regular bail. On putting specific query with regard to memorandum statement of co-accused Mangal Nishad, he submits that memorandum statement is not available in case diary. However, he submits that there is no mention of any criminal antecedent against applicant in case diary.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegation, submissions of learned counsel for parties that there is no other criminal antecedent against applicant, period of pre-trial detention of applicant since 02.10.2021, 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 satisfaction of 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/-