

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9366 of 2021

Abhishek Chauhan S/o Avdhesh Chauhan Aged About 23 Years R/o Supela Market, Hardware Line Malhapara, Ward No 09, Police Station Supela Bhilai, District- Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Bagnadi, District- Rajnandgaon, Chhattisgarh (Police Station Wrongly Mentioned As Dongargadh In Order Sheet Of Court Below)

---- Respondent

For Applicant : Shri S.S. Baghel, Advocate

For Non-applicant : Shri Roshan Dubey, Panel Lawyer

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

Order On Board

16/12/2021

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.35/2021 registered at Police Station- Bagnadi- District- Rajnandgaon(C.G.) for the offence punishable under Section 34 (2) of the C.G. Excise Act.
2. Case of prosecution is that upon receipt of secret information that some persons are transporting illicit liquor in car bearing No.CG 04 KT 2340, it was intercepted near Bagnadi square but the driver of the car, instead of stopping car, ran away by breaking open the barrier. He was followed and at some distance, police found the car

parked on the side of road unmanned. During course of search, they seized 153 bulk litres of illicit liquor. Upon investigation, based on details of car, particulars of owner was collected. Applicant surrendered himself before the police on 20.9.2021.

3. Learned counsel for the applicant would submit that applicant is shown to be working as a Driver and he was driving the car on the instruction of owner of vehicle. There is no other criminal antecedent against applicant. Offence is triable by Magistrate. Applicant is in jail since 20.9.2021. Hence, applicant may be enlarged on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant and would submit that applicant was a Driver. He ran away from spot after breaking open the barrier, looking to the huge quantity of illicit liquor i.e. 153 bulk litres, he is not entitled for grant of bail. However, upon asking, learned counsel for the State submits that in case diary, no other criminal antecedent is mentioned against applicant. He also submits that statement of owner of car is also not available in the case diary.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, material available in the case diary, that no other criminal antecedent is mentioned against applicant in case diary, offence to be triable by the Magistrate, without commenting anything on merits, I am inclined to allow the bail application.

7. 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