

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 9637 of 2021

Rupesh Gendre S/o Bhagwan Das Aged About 22 Years R/o Village-Khedamara, Police Station- Jamul Chowki Jevra Sirsa, Tahsil And District-Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Pulgaon, Chowki Jevra-Sirsa, District-Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Shri A.S. Rajput, Advocate
For Non-applicant	:	Shri Sudhir Sahu, Panel Lawyer

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

Order On Board

20/12/2021

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.454/2021 registered at Police Station- Pulgaon, Chowki Jevra-Sirsa (C.G) for the offence punishable under Section 34 (2) of the CG Excise Act.
2. Case of prosecution is that the police upon receiving secret information that some persons are transporting liquor in a car, intercepted the car bearing No.CG 07 MA 0138. During search of car, seized 25.290 bulk litres of foreign liquor from co-accused Pavitra Kumar @ Pankaj Nishad. Applicant being owner of car on

which illicit liquor was being transported, was also made accused and was arrested on 29.10.2021.

3. Learned counsel for the applicant would submit that applicant is owner of vehicle in which illicit liquor is alleged to be transported. He has given his car on rent and was not travelling along with the car. Offence as alleged is committed by co-accused Pavitra @ Pankaj Nishad. Applicant is not involved in any other criminal act. Offence is triable by Magistrate. Hence, he may be released on regular bail.
4. Learned counsel for the State opposes the submission of learned counsel for the applicant. However, upon asking, he submits that at the time of search of car, co -accused Pavitra @ Pankaj Nishad was found present and he was arrested. Applicant is owner of car on which the illicit liquor was being transported. Upon asking of criminal antecedent against applicant, he submits that no other criminal antecedent is mentioned against applicant in 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 particularly the fact that applicant is owner of car on which the illicit liquor was being transported and co-accused Pavitra @ Pankaj Nishad was found driving the car, there is no criminal antecedent against applicant as stated by learned counsel for parties, offence to be triable by 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 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