

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3314 of 2015

1. Punit Sahu s/o. Shivratan Lal Sahu, aged about 40 years, resident of village Siltara, P.S. Takhatpur, District Bilaspur (CG), presently residing at Matachaura, Sarkanda, District Bilaspur (CG).
2. Pardeshi Lal Pali s/o. Phool Singh Pali, aged about 54 years, caste Gadariya, r/o. Tikrapara, P.S. Tarbahar, Bilaspur, District Bilaspur (CG).

---- Applicants

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station Kota, District Bilaspur (CG).

---- Respondent

For Applicants	:	Mr. Rajkumar Pali, Advocate.
For Respondent/State	:	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14/7/2015

1. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who have been arrested on 24-6-2015 in connection with Crime No. 210 of 2015 registered at Police Station - Kota, District Bilaspur (CG) for the offence punishable under Sections 34 (2) of the Chhattisgarh Excise Act.
2. The case of the prosecution, in brief, is that on 24-6-2015 the applicants were found in possession of 18.561 bulk liters of country made liquor without any authority of law.
3. Learned counsel appearing for the applicants would submit that the presents have not committed any offence and they have been falsely implicated in the case, nothing has been seized from the possession of the applicants. He would further submit that charge-sheet has been filed and the applicants are in jail since 24-6-2015, therefore, they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard the counsel appearing for the parties and perused the case diary.
6. Taking into consideration the condition incorporated in Section 59-A (ii) of the Chhattisgarh Excise Act, 1915 and bearing in mind the principles of law laid down in case of **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014, decided on 05.01.2015), if the facts of present case are examined, it is apparent that only 18.561 bulk liters of foreign liquor has been seized from them which is more than prescribed limit of 5 bulk liters, but looking to the fact that it is first offence of the applicants and they are in custody from 24-6-2015 and case is triable by the Judicial Magistrate First Class and trial is likely to take some more time and further taking into account the nature and gravity of the offence and plea raised by the applicants that they have been falsely implicated in the case, I am of the opinion that present is the fit case, in which the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, the applicants Punit Sahu and Pardeshi Lal Pali shall be released on bail, subject to the following conditions:
 - i) that the applicants shall furnish a specific undertaking that while on bail, they will not commit any excise offence and shall co-operate the prosecution during trial, otherwise bail granted to them shall be liable to be cancelled.
 - ii) that the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants shall not, directly or indirectly with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
 - iii) that the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge