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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4014 of 2015**

1. Raju @ Rajkumar Dhruv, S/o Santosh Dhruv, aged about 26 years, R/o Tirangipara, Kota, Police Station Kota, Civil and Revenue District-Bilaspur (C.G.)
2. Rajkumar Anchal, S/o Ramprasad Anchal, aged about 39 years, R/o Belsara, Police Station Takhatpur, Civil and Revenue District – Bilaspur (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through Officer-in-charge, Police Station – Takhatpur, District – Bilaspur (C.G.)

---- Non-applicant

For Applicants: Mr. Mahendra Dubey, Advocate.
 For Non-applicant/State: Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/08/2015**

Heard.

- (1) Counsel for the applicants submits that he may be permitted to withdraw this bail application in relation to applicant No. 2- Rajkumar Anchal with liberty to file the same after conclusion of the earlier criminal case relating to excise offence.
- (2) Accordingly, the bail application in relation to applicant No. 2- Rajkumar Anchal is dismissed as withdrawn with the liberty as

aforesaid.

(3) Heard on bail application with regard to applicant No. 1 namely Raju @ Rajkumar Dhruv.

(4) The accused/applicant No.1 Raju @ Rajkumar Dhruv has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 201/2015 registered at Police Station Takhatpur, Civil & Revenue District Bilaspur for the offences punishable under Sections 34(2) & 59(A) of the Chhattisgarh Excise Act, 1915.

(2) Case of the prosecution, in brief, is that 7.200 bulk liters of illicit liquor was seized by the police from the applicant No.1.

(3) Learned counsel for the applicant No.1 submits that the applicant No.1 has falsely been implicated in the case, and therefore, he 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 C.G. Excise Act, 1915, and bearing in mind the principles of law laid down in **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 7.200 bulk liters of illicit liquor has been seized from him which is more than prescribed limit of 5 bulk liters, but looking to the fact that it is first offence of the applicant No.1 and he is in custody from 23.07.2015, case is triable by the Judicial Magistrate First Class, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicant No.1 that he has falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicant No.1 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 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 his appearance as and when directed, the applicant No.1 – Raju @ Rajkumar Dhruv shall be released on bail, subject to following conditions:

- That, the applicant No.1 shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant No.1 shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant No.1 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any

police officer.

- That, the accused/applicant No.1 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

D/-