

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7049 of 2015

1. Harjeet Jangdey S/o Suklal Jangdey Aged About 21 Years R/o Vill. - Kalyanpur (Gajmarra), P.S. & Tah. - Dongergarh, Civil & Revenue Distt. Rajnandgaon Chhattisgarh

2. Vinay Gaikwad S/o Gendlal Gaikwad Aged About 35 Years R/o Vill. - Kalyanpur (Gajmarra), P.S. & Tah. - Dongergarh, Civil & Revenue Distt. Rajnandgaon Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : P.S. - Dongargarh, Distt: Rajnandgaon Chhattisgarh

---- Respondent

For applicants - Shri Rakesh Thakur Advocate.
For Respondent/State – Shri S.R.J. Jaiswal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

17/12/2015

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 591/2015 registered in Police Station PS Dongargarh, Dist: Rajnandgaon (C.G.). for offence punishable under section 34 (2) of Excise Act.

2. As per the prosecution case on 20/11/2015 from the joint possession of the applicants 18 bulk liters of liquor was recovered, thereby offence is committed.

3. Learned counsel for the applicants submits that the liquor was seized from in front of the house of applicant No.1 Harjeet Jangdey and applicant No.2 Vinay Gaikwad has been falsely implicated on the ground that he was carrying the liquor. He submits that further it is highly improbable for the excise team for spotting the applicant while carrying the liquor, therefore he submits that applicants may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and he submits that to the credit of applicant No.2 Vinay Gaikwad case was registered under Section 34 (2) of Excise Act in the year 2014 and both the applicants were found to be in possession of liquor, therefore they may not be released on bail.

5. I have perused the case diary. 9 bulk liter liquor was seized from the house of applicant No.1 and 9 bulk liter liquor was seized from applicant No.2 while he was carrying. Taking into account evidence available and the seizure and the FIR it is stated that after report was received that the liquor is being carried the team reached there while it was being carried. Considering the facts, without any observation on merits, this court is inclined to release the applicants on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicants shall be released on each of them furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for their regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE