

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3093 of 2015**

1. Raghuvir Singh, S/o-Chunni Lal Singh, aged about 23 years.
2. Deepak alias Raju, S/O- Tij Ram, aged about 19 years, Caste-Dhiwar,

Both R/o- village Bhainso, P.S.- Pamgarh, Civil and Revenue District-Janjgir-Champa (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, through Excise Circle Sheorinarayan, District Janjgir-Champa (C.G.)

(wrongly mentioned as P.S. Pamgarh)

---- Respondent

For Applicants:	Shri F.S. Khare, Advocate.
For Respondent/State:	Shri Qamrul Aziz, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/07/2015**

Heard.

- (1) At the outset, counsel for the applicants submits that he may be permitted to withdraw this bail application in relation to applicant No.1.
- (2) He is permitted to do so.
- (3) Accordingly, the bail application is dismissed as withdrawn so far as it relates to applicant No.1- Raghuvir Singh.

(4) The accused/applicant No. 2- Deepak @ Raju 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. 90/2015 registered at Police Station Excise Circle Sheorinarayan, Distt. Janjgir-Champa for the offences punishable under Sections 34(2) & 59(a) of the Chhattisgarh Excise Act, 1915.

(5) Case of the prosecution, in brief, is that 10.800 bulk liters of illicit liquor was seized by the police from the present applicants.

(6) Learned counsel for the applicants submits that the applicant No. 2 has falsely been implicated in the case, and therefore, he may be released on bail.

(7) On the other hand, learned counsel for the State opposes the bail application.

(8) I have heard the counsel appearing for the parties and perused the case diary.

(9) 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 10.800 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. 2 is in custody from 09.06.2015, 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 that he has falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicant No.2 should be enlarged on regular bail.

(10) 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. 2 shall be released on bail, subject to following conditions:

- That, the applicant No.2 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.2 shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant No.2 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.2 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/-