

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3972 OF 2015**

1. Ramswarup Maravi, aged about 34 years, S/o Ganesh Ram Maravi,
 2. Rajkumar Jaiswal, aged about 26 years, S/o Sundar Lal Jaiswal,
 3. Bhupendra Jaiswal, aged about 24 years, S/o Sundar Lal Jaiswal,
- All R/o village Bhaura Kachar, P.S. & Tah. Takhatpur, Dist. Bilaspur (C.G.)

---Applicants**Versus**

State of Chhattisgarh Through Excise Sub-Inspector, Excise Circle
Takhatpur, Dist. Bilaspur(C.G.)

---Non-applicant

For Applicants	:	Mr. Ravindra Sharma, Advocate
For Non-applicant	:	Mr. Suvigya Awasthi, P.L.

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

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with **crime No.194/2015** registered at Police Station **Excise Circle Takhatpur, Dist. Bilaspur (C.G.)**, for the offence punishable **under Sections 34(2) and 59(a) of the Chhattisgarh Excise Act.**
2. Case of the prosecution, in brief, is that, 79.760 **bulk** liters of illicit liquor was seized by the police from the possession of present applicants.
3. Learned counsel for the applicants submits that the applicants are in custody from **17/07/2015**. He further submits that the applicants have falsely been implicated in the case, and therefore, the applicants may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that as per reply given by applicant No. 2 that he has hired the vehicle of applicant No. 1 to transport the liquor in question and liquor has been seized from applicant No. 1.

5. I have heard counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case and further taking into consideration the huge quantity of liquor seized from the possession of present applicant No. 1 and vehicle was hired by applicant No. 2 for transporting liquor and their role in offence in question, this Court is not inclined to release the applicants No. 1 & 2 on regular bail.

7. Accordingly, bail application filed on behalf of applicants No. 1 & 2, namely, Ramswarup Maravi and Rajkumar Jaiswal under Section 439 of the Cr.P.C. is rejected.

8. So far as the bail application filed on behalf of applicant No. 3- Bhupendra Jaiswal is concerned, 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 there is no criminal antecedent of the applicant No. 3 and looking to the fact that it is **first offence** of applicant No. 3 and he is in custody from 17/07/2015 **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 offence and plea raised by the applicant No. 3 that he has falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicant No. 3 should be

enlarged on regular bail.

9. Accordingly, the bail application filed on behalf of applicant No. 3 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. 3, namely, Bhupendra Jaiswal shall be released on bail, subject to following conditions:

- That, the applicant No. 3 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. 3 shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant No. 3 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. 3 shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE