

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6249 of 2015

1. Munan Gupta, S/o. Late Nandkishor Gupta, Aged About 32 Years, R/o. Village Kutha, Tehsil Imadpur, Civil & Revenue District Bhojpur, Bihar.
2. Jitesh Paal, S/o. Sudhram, Aged About 22 Years, R/o. Village Bureda, Paatan, Civil & Revenue District Durg, Chhattisgarh.
3. Ganesh Singh, S/o. Bhikham Dev, Aged About 35 Years, R/o. Village Sabartala, Civil & Revenue District Nasirganj, Bihar.

All are presently residing at Bhanupratappur, Civil & Revenue District Kanker, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Bhanupratappur, District Kanker, Chhattisgarh

---- Respondent

For Applicants : Mr. Sandeep Yadav, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.151/2015 registered at Police Station- Bhanupratappur, District Kanker (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, in brief, 375 liters of liquor were seized from the possession of the applicants and the said liquors were being carried in the vehicle and after the seizure was made, the case has been registered.
3. Learned counsel for the applicants submits that the liquor which were being carried were duty paid liquor. It is further submitted

that on the earlier occasion, the State was directed to verify as to whether the liquor was duty paid or not and the State may clarify the same. He further submits that the charge sheet in this case has been filed and the applicants are in jail since 06.08.2015, therefore, they may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail. In response to the query made by this Court in the earlier date, it is submitted that out of 342 Cartoons, 9 Cartoons were found to be without duty paid whereas all others are duty paid. He further submits that 9 Cartoons which were not duty paid approximately comes to 36-37 liters.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case and taking into consideration that the part of liquor is duty paid and only 9 Cartoons were not duty paid which approximately comes to 36-37 liters; further considering the fact that the charge sheet has been filed and the applicants are in jail since 06.08.2015 and the offence is triable by JMFC, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

