

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 579 of 2016

1. Khileshwar Satnami S/o. Shri Makhan Satnami, Aged about 26 years, R/o. of Village Nawagaon, P.S. Palari, Civil and Revenue District Baloda Bazar (C.G.)
2. Khamman Satnami, S/o. Shri Bhagoli Satnami, Aged about 23 years, R/o. of Village Nawagaon, P.S. Palari, Civil and Revenue District Baloda Bazar (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through, Police Station- Amanaka, Civil & Revenue District Raipur (C.G.)

---- Respondent

For Applicants	:-	Mr. Adil Minhaj, Advocate
For Respondent/ State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

08/02/2016

1. This is the second 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. 236/2015 registered at Police Station- Amanaka, District Raipur (C.G.) for the offence punishable under Sections 34(2) of Chhattisgarh Excise Act.
2. The first bail application of the applicants was dismissed as withdrawn with liberty to move again after filing of the charge sheet on 16.12.2015 in M.Cr.C. No. 7052/2015.
3. Case of the prosecution, in brief, is that on 05.11.2015, the applicants who were travelling in Innova Car bearing registration No. C.G. 07 AR 4042. While they were coming from Bhilai to Raipur was intercepted near Happy Dhaba and at about 172.8 liters of country made liquor was recovered from the vehicle.

4. Counsel for the applicants submits that the applicants have been falsely implicated in this case. He further submits that the applicants are the resident of Village Nawagaon and they had only taken lift in the vehicle. He further submits that the main acquisition has been made on Javed Hussain which was given notice under section 91 of Cr.P.C. He further submits that considering the fact that the applicants were only travelling in the vehicle and they are in jail since 05.11.2015, therefore, they may be enlarged on bail.
5. State counsel opposes the prayer for grant of bail.
6. Perusal of the case diary and arrest memo shows that the applicants are the resident of village Nawagaon and notice was given to one Javed Hussain. Taking into the fact that primarily seizure memo, it appears that seizure was made from Javed Hussain and the other co-accused fled away from the scene, further taking into the fact that the charge-sheet in this case has been filed and taking into primary evidence available against these applicants and the fact that the applicants are in jail since 05.11.2015, this Court is of the opinion that it is not a fit case where the applicants can be released on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant 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.

Sd/-
(Goutam Bhaduri)
Judge