

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3103 of 2016

1. Krishna Satnami, S/o Shatruhan Satnami, Aged About 22 Years,
2. Nanu Satnami, S/o Shatruhan Satnami, Aged About 20 Years,
Both R/o Village Khaira, P.S. Seepat, Tahsil & District Bilaspur
Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Officer, P.S.
Hirri, Distt. Bilaspur Chhattisgarh

---- Respondent

For applicants - Shri Ravindra Agrawal, Advocate.
For Respondent/State – Shri Arvind Shukla, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/07/2016

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 25/2016 registered in Police Station Hirri, Distt. Bilaspur (C.G.) for offence punishable under sections 34(1)(a), 34(2), 59-A of Chhattisgarh Excise Act, 1915.

2. As per the prosecution case on 9/02/2016 the applicants while were carrying liquor in their vehicle Mazda bearing No.C.G. 10 R 0733 they were intercepted near Hardi turning and 2700 bulk liters of liquor was seized and during such interrogation the applicants could not produce any valid document, therefore offence is committed.

3. Learned counsel for the applicants submits that the applicants are the driver and khalasi of the vehicle and the said liquor was lifted from Gatauri Ware House and was excise paid and was meant for Rishda and instead of the route specified they were taking some short cut and they were intercepted and it was seized. It is submitted that no offence has

been committed as liquor was duty paid of licensee Bhuvaneshwar Kumar Kashyap, therefore the applicants may be released on bail.

4. Learned State counsel do not dispute the fact that the liquor was duty paid and belong to Bhuvaneshwar Kumar Kashyap who is licensee from the Excise Department, however during the course of enquiry they could not produce any documents.

5. Perused the documents filed along with the bail application wherein it shows that duty was paid by Bhuvaneshwar Kumar Kashyap and it is not been disputed by the State counsel that the said liquor belong to Bhuvaneshwar Kumar Kashyap who was licensee. Considering the fact that it was excise paid liquor and was that of licensee and considering this fact it is not disputed that liquor was duty paid liquor which was transported from Gatauri to Rishda to the shop of Bhuvaneshwar Kumar Kashyap and also taking into role played by these applicants, they are driver and khalasi of vehicle, 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 each 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