

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 365 of 2017

1. Ravindra Singh S/o Bharat Singh, Aged About 40 Years R/o Village- Tendua, Police Station- Haidarnagar, District- Palamu (Bihar/Jharkhand) At Present- R/o Kirodimal Nagar, Police Station- Kotra Road, District- Raigarh Chhattisgarh.
2. Baikunth Singh, S/o Late Ganga Singh, Aged About 38 Years R/o Sikmati/simri, Police Station- Amas, District- Gaya (Bihar), At Present- R/o Kirodimal Nagar, Police Station- Kotra Road, District- Raigarh Chhattisgarh.

--- **Applicants**

Versus

- State of Chhattisgarh through- Police Station- Kotra Road, District- Raigarh Chhattisgarh.

--- **Respondent**

For the applicant	: Mr. Manoj Paranjpe, Advocate
For the Respondent	: Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

03.02.2017

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 01/2017 registered at P.S. Kotra Road, Raigarh, Distt. Raigarh (C.G) for the offence punishable under Sections 34(2) & 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police on 01.01.2017, 160 litres of illicit liquor was seized from a vehicle bearing No.C.G. 10F-3627 and after seizure no documents were produced.
3. Learned counsel for the applicant would submit that the said liquor was lifted under the licence which would be evident from Annexure A-2 and the route was via Demrapur Chowk and as per Annexure A-3, since there has been a brake-down, the time was extended upto 11 a.m., therefore, no

offence has been committed and the applicants may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application.
5. Learned State Counsel and learned counsel for the petitioner both were asked to show the map to ascertain the position of route from warehouse to the shop wherein the vehicle carrying such liquor was allowed to be taken. It shows that the route was via Demrapur Chowk. It was not disputed that the vehicle passed through Demrapur Chowk and as appears, the seizure was made at about 6 a.m., in the morning. Taking into such facts situation, prima facie it appears that lifting of liquor in vehicle was under a licence and the time was extended till 11 a.m., as per Annexure A-3 though it was seized at 6 a.m.
6. Considering the map which was shown for perusal, I am inclined to allow this bail application.
7. Accordingly the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE