

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4942 of 2017**

- Chunnilal Manikpuri S/o Late Dhannudas Manikpuri, Aged About 25 Years R/o Village Shikaritola, Police Station/ Tehsil Chhuria District Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Police Station Chhuria, District Rajnandgaon, Chhattisgarh

---- Respondent

MCRC No. 5067 of 2017

- Rakesh Kumar Sahu S/o Lakhanlal Sahu, Aged About 30 Years R/o Village Shikaritola, Police Station/ Tehsil Chhuria District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Police Station Chhuria, District Rajnandgaon, Chhattisgarh.

---- Respondent

MCRC No. 4977 of 2017

- Rajveer Singh @ Marshal S/o Rakesh Rajput, Aged About 19 Years R/o Kripal Nagar Supela Bhilai, Police Station - Supela, Civil & Revenue District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chhuriya, District Rajnandgaon, Chhattisgarh.

---- Respondent

MCRC No. 4988 of 2017

- Tumesh Janghel S/o Shri Kailash Janghel, Aged About 21 Years Caste Lodhi, Occupation Cultivator R/o Village Tendunala, Post Tendunala Police Station Chhuria/ O. P. Chichola, Tehsil Dongargaon District Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Police Station Chhuria/ O. P. Chichola, District Rajnandgaon (Chhattisgarh).

---- Respondent

MCRC No. 5215 of 2017

- Jai Kumar Daryanani S/o Khushal Das, Aged About 55 Years R/o Ahuja Nagar, Plot No. 667, Nagpur, Police Station Jaripatka, Nagpur, Maharashtra.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chhuriya, District Rajnandgaon, Chhattisgarh.

---- Respondent

MCRC No. 5257 of 2017

1. Satish Suryavanshi . S/o Virendra Suryavanshi, Aged About 20 Years R/o Ward No. 9, Kolhiya, Tahsil Amarwada, Police Station Singhodi, District Chhindwada (Madhya Pradesh), Present Address Barapatthar, In Front Of Jadar Hospital Sivani, City Kotwali, Sivani, (Madhya Pradesh).
2. Anand Dehariya S/o Santram Dehariya, Aged About 35 Years R/o Katangi Naka, Vivekanand Ward, Sivani, City Kotwali, Sivani (Madhya Pradesh).

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chhuriya, District Rajnandgaon (Chhattisgarh).

---- Respondent

Shri Shaleen Singh Baghel, Advocate for applicants in MCRC No.4942/17, 5067/17, 4988/17

Shri Sunil Sahu, Advocate for applicant in MCRC No.4977/17

Shri Sandeep Yadav, Advocate for applicant MCRC No.5215/2017

Shri Shakti Raj Sinha, counsel for applicants in MCRC No.5257/2017.

Shri Anant Bajpai and Shri Vinod Tekam, Panel Lawyers for the State.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

18.9.2017

As the above mentioned bail applications arise out of same incident and Crime number, all these matters are being heard and disposed of by a common order.

2. These are the bail applications 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.125/2017 registered in Police Station Chhuriya, Distt. Rajnandgaon (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the respective applicants submit that applicants Chunnilal Manikpuri, Rakesh Kumar Sahu and Tumesh Janghel have been arrested on 14.7.2017, applicant Satish Suryavanshi, Anand Dehariya, and Jai Kumar Daryanani have been arrested on 24.7.2017, applicant Rajveer Singh @ Marshal has been arrested on 17.7.2017. After investigation, charge sheet has been filed against all the seven accused persons which is pending before Chief Judicial Magistrate, Rajnandgaon as Criminal Case No.2819/2017. Applicant Rajveer Singh was also involved in Crime No.128/2017 in similar offence and in the said matter he was found in illegal possession of 5.400 bulk liters of foreign liquor. Remaining applicants are first offenders, as submitted, they will not commit any offence in future, they are in custody since long, they may be granted an opportunity to remain on bail during trial. As per the facts surfaced in the charge sheet, from applicant Chunni Das Manikpuri (wrongly mentioned as Chunnilal Manikpuri in the Order passed by Second Additional Sessions Judge, Rajnandgaon and also in the petition) 135.00 bulk liters of foreign liquor has been seized and from applicant Tumesh Janghel, 5.580 bulk liters of foreign liquor has been seized. Other accused persons have been made accused on the basis of their names surfaced in the memorandum of co-accused except Jai Kumar Dariyanani whose names does not appear in the memorandum of any of the accused persons and also no any liquor

has been seized from remaining five accused persons though from applicant Jai Kumar one mobile phone has been seized, but not in any way connected with the offence. Further submitted that name of accused Satish Suryavanshi and Anand Dehariya are surfaced in the memorandum of accused Jai Kumar Daryanani but from these applicant nothing has been seized. As the trial may take sometime for its conclusion, they may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicants and submit that looking to the huge quantity of liquor so seized and also all the applicants were prima facie involved in the commission of offence, and also as the applicants Jai Kumar Daryanani, Satish Suryavanshi and Anand Dehariya are residents of neighbouring State and all the applicants illegally involved in a racket engaged in illegal transportation, sale etc. of foreign liquor, looking to the entire conduct and act of the applicants, their applications for bail may be dismissed.

5. Perused the entire material.

6. All the applicants except applicant Rajveer Singh, there is no criminal antecedent collected by the investigating officer, co-accused Rajveer Singh had one criminal antecedent as aforementioned, four applicants are in custody since last two months, three applicants are in custody since one month and twenty five days, charge sheet has been filed, the trial may take some time for its conclusion, on due consideration of the entire facts, I am inclined to grant one last opportunity to the applicants so that they will not commit any offence in future and shall remain peacefully in the society .

7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.1,00,000/- each with two separate solvent sureties of Rs.50,000/- to the satisfaction of concerned trial Judge for their appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

10. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station Churria, Rajnandgaon (CG) **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicants without any cogent and proper reason do not appear before the Police of Police Station Churria, Rajnandgaon as directed, the concerned police may inform the trial Court for the act and if their non appearance found to be without any proper and cogent reason, the instant order

granting bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. A copy of this order be kept in the record of MCRC No.5067/2017, 4977/2017, 4988/2017, 5215/2017 & 5257/2017.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE