

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6193 of 2017**

1. Bahal Singh Pandre S/o Bahadur Singh Pandre, Aged About 21 Years R/o Village Darbaritola, Police Station Birsa, District Balaghat, (M.P.)
2. Panna Lal Patel S/o Late Dhannulal Patel, Aged About 63 Years R/o Idgaah Hils, Near Hamidiya Medical Collage, Bhopal (M.P.)
3. Upendra Yadav S/o Indradev Yadav, Aged About 30 Years R/o Ballidigha, Police Station Dhibra, District Aourangabad (Bihar) Present Address- Village Salhetekri, Tehsil Birsa, District Balaghat (M.P.)
4. Sunil Singh S/o Dhansingh Rajput, Aged About 45 Years R/o Kandi, Thana Naveen Nagar, District Aourangabad (Bihar) Present Address- Village Salhetekri, Tehsil Birsa, District Balaghat (M.P.)
5. Akhilakh Pal S/o Raj Mohan Pal, Aged About 43 Years R/o Basora, Police Station Kutumba, District Aourangabad (Bihar) Present Address- Village Salhetekri, Tehsil Birsa, District Balaghat (M.P.)

---- Applicants

Versus

State Of Chhattisgarh Through Arakshi Kendra, Salhewara, District Rajnandgaon, Chhattisgarh

---- Non-applicants

For Applicants	:	Shri Hemant Kesharwani, Advocate.
For Non-applicant/State	:	Shri Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/11/2017**

Heard.

- (1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 54/2017 registered at Police Station Salhewara, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
- (2) Case of the prosecution, in brief, is that 45 bulk liters of illicit liquor

was seized by the police from each of the applicants.

(3) Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that the as the applicants are in detention since 15.09.2017 and the trial is likely to take some time for its final disposal, they may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard the counsel appearing for the parties and perused the case diary.

(6) Taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and bearing in mind the principles of law laid down in **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014, decided on 05.01.2015), if the facts of present case are examined, it is apparent that only 45 bulk liters of illicit liquor has been seized from each of the applicants which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicants are in custody since 15.09.2017, case is triable by the Judicial Magistrate First Class, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicants that they have falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

(7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, the

applicants shall be released on bail, subject to following conditions:

- That, the applicants shall furnish a specific undertaking that while on bail, they will not commit any excise offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate with the investigation/trial.
- That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge