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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6209 of 2017**

1. Praveen Singh @ Pinku, S/o Purushottam, aged about 32 years, R/o Village Singarpur, P.S. & Tehsil Khairagarh, Distt. Rajnandgaon (C.G.)
2. Ranveer Singh, S/o Mahendra, aged about 23 years, R/o Village Bande, Police Station Nanpe, District Kanker (C.G.) **(In Jail)**

---- Applicant**Versus**

State of Chhattisgarh, Through the Police Station Khairagarh,
District Rajnandgaon (C.G.)

---- Non-applicant

For Applicants : Mr. Rakesh Pandey, Advocate.
For Non-applicant/State : Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****15/11/2017**

(1) At the outset, learned counsel for the applicants submits that he may be permitted to withdraw this bail application with respect to applicant No.1 – Praveen Singh @ Pinku.

(2) Liberty is granted, as prayed for.

(3) Accordingly, the bail application, so far as it relates to applicant No. 1- Praveen Singh @ Pinku is concerned, is dismissed as withdrawn with the liberty as aforesaid.

(4) The accused/applicant No. 2 – Ranveer Singh has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.

277/2017 registered at Police Station Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

(5) Case of the prosecution, in brief, is that 27 bulk liters of illicit liquor was seized by the police from the present applicant No. 2.

(6) Learned counsel for the applicant No. 2 submits that the applicant No. 2 has been falsely implicated in the crime in question as he has not committed any offence. He further submits that as the applicant No. 2 is in custody since 13.09.2017 and the trial is likely to take some time for its final disposal, he may be released on bail.

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

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

(9) 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 27 bulk liters of illicit liquor has been seized from him which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicant No. 2 is in custody since 13.09.2017, 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 applicant No. 2 that he has falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicant No. 2 should be enlarged on regular bail.

(10) 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/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant No. 2 shall be released on bail, subject to following conditions:

- That, the applicant No. 2 shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant No. 2 shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant No. 2 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/applicant No. 2 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

D/-

