

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1062 of 2017

- 1. Ram Singh S/o Sundar Singh Aged About 45 Years Occupation Private Job, R/o Village Bade Thana, Navinagar, District Aurangabad, Jharkhand, Present R/o Bauripara, Thana City Kotwali, Ambikapur, District Surguja, Chhattisgarh.
- 2. Ganesh Singh S/o Nankeshwar Singh Aged About 22 Years R/o Village Miniya Tusra, Thana Patan, District Palamu, Jharkhand , Present R/o Bauripara, Thana City Kotwali, Ambikapur, District Surguja, Chhattisgarh.

--- Applicants

Versus

- State of Chhattisgarh through Station House Officer- Police Station Ghandhinagar, Ambikapur, District Surguja, Chhattisgarh. --

Respondent

For the applicants	:	Ms. Hamida Siddiqui, Advocate
For the Respondent	:	Mr. U.K. S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.03.2017

- 1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 154 of 2016 registered at P.S. Ghandinagar, Ambikapur, Distt. Surguja (C.G) for the offence punishable under Section 279 of IPC; section 34(2) of the C.G. Excise Act and section 184 of the Motor Vehicles Act.
- 2. As per the prosecution case, on certain information having received that illegal liquor is being carried in vehicle No.C.G.07/T-2532, it was chased by the police, however, the said vehicle dashed against the divider and due to accident, the vehicle could not escape and it was stopped. Thereafter from the vehicle 90.360 bulk litres of illicit liquor was seized.

3. Learned counsel for the applicants would submit that the applicants have been falsely inculpated because of business rivalry with the other liquor tycoon and the said liquor belonged to one Laxmi Jaiswal which was disclosed u/s 191 Cr.P.C., when the documents were asked for. It is submitted that this is second bail application and the earlier bail application was dismissed as withdrawn on 22.08.2016 with liberty to repeat the same after examination of the seizure witnesses. It is submitted that the seizure witnesses have been examined and they belonged to the rival group. He further submits that the maximum punishment may be extended to 1 year and the applicants are in jail since 04.07.2016, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary documents and the statements of seizure witnesses.
6. Considering the facts and circumstances of the case and the statements of witnesses and further looking to the period of detention of the applicants as they are stated to be in jail since 04.07.2016, without any further observation on merits of the case, I am inclined to allow this bail application at this stage.
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 each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE