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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3464 of 2017**

Mahesh Jaiswal aged about 27 years, s/o Mr. Ramu Jaiswal, R/o. New Bus Stand, Pendra, P.S Pendra District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Pendra, District Bilaspur, Chhattisgarh.

---- Respondent**M.Cr.C. No. 3828 of 2017**

Kamal Singh Gond aged about 19 years, S/o Mr. Kalinder Singh Gond, R/o Dhumma Tola, Baraur, P.S. Marwahi, Present Address – Bharrapara, Pendra P.S. - Pendra, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Pendra, District Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Achyut Tiwari, Advocate.
For the Respondent/State	:	Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.08.2017**

1. Heard on applications under Section 439 of the Code of Criminal Procedure filed by applicant – Mahesh Jaiswal in M.Cr.C. No. 3464 of 2017 and applicant – Kamal Singh Gond in M.Cr.C. No. 3828 of 2017.
2. Learned counsel for the applicants submits that the applicants in both the cases have been arrested in connection with Crime No. 683 of 2017 registered at Police Station – Pendra, District Bilaspur, Chhattisgarh for the

offence punishable under Section 34(2) and 59-A of the Excise Act and Criminal Case No. 150 of 2017, after filing of charge-sheet, is pending before the Court of Judicial Magistrate First Class, Pendra Road, District Bilaspur. The applicants in both the cases have been falsely implicated. The seizure of the liquor that has been made by the Investigating Officer was not in the exclusive possession of the applicants in both the cases. Their bail applications have been rejected by the trial Court as well as by the Sessions Court below hence, it is prayed that the applicants in both the cases may be granted bail.

3. On the other hand, learned counsel for the State opposes the bail applications and submitted that the applicants are not entitled for bail.

4. A total of 460.200 liters of liquor in 59 Cartons have allegedly been seized from the possession of the applicants in both the cases which is subject to proof before the trial Court. As submitted by the applicants, in both the cases they are in custody since 1.4.2017 and the trial has not been concluded till today. It is also submitted that the applicants have a good case to put up their defence.

5. Perused the case diary.

6. Looking to the facts and circumstances of this case, this appears to be a fit case in which the applicants in both the cases are entitled to be enlarged on bail.

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

8. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge