

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 541 of 2018

- Bhimendra S/o S/o Govind Aged About 22 Years Caste Kurmi, R/o Village Arjunitikri, Police Station Arjunda, Tahsil Gunderdehi, District Balod Chhattisgarh, District : Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Arjunda, District Balod Chhattisgarh, District : Balod, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 419 of 2018

1. Shrawan Nishad S/o Bharat Nishad, Aged About 31 Years Caste Kewat, R/o Devgahan, P. S. Arjunda, District Balod Chhattisgarh , Chhattisgarh.
2. Sunil Vishwakarma, S/o Bhuwan Lal, Aged About 25 Years Caste Lohar, R/o Village Mudkhusra, P. S. Doundilohara, Tahsil Doundilohara, District Balod Chhattisgarh, District : Balod, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Arjunda, District Balod Chhattisgarh, Chhattisgarh.

---- Respondent

For Applicant : Ms. Fauzia Mirza and Mr. Avinash Chand Sahu, Advocates.

For Respondent/State : Mr. N. K. Mehta, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.02.2018

1. Both the applications are heard and decided together by this common, order, as both the bail applications are arising out of the same crime number and offences.
2. These are the first bail application for grant of bail to the applicants who have been arrested in connection with Crime No.173/2017 registered at Police Station – Arjunda, District - Balod, (C.G), for the offences under Sections 34 (2) of C.G. Excise Act and Sections 420, 409, 467, 471, 109, 120B/34 of the Indian Penal Code and 51 and 63 of the Copy Right Act.
3. Learned counsel for all the applicants submits, that the applicants are innocent and have been falsely implicated in this case, no case is made out against them, hence, it is prayed that all the applicants may be enlarged on bail.
4. In M.Cr.C No. 419 of 2018, the applicant – (Shrawan Nishad) was supervisor of the said shop and the applicant - (Sunil Vishwakarma) was salesman. The applicant - (Bhimendra) in M.Cr.C. No. 541 of 2018, was employed as a Guard of the said shop when the said raid and seizure has taken place, therefore, the present applicants are not connected in the said offence.
5. Learned counsel for the State opposes the bail applications and submits that all the accused applicants have been worked in team in adulterating country made liquor and have performed their parts in the said commission of offence registered against them, hence, they are not entitled for grant of anticipatory bail.

6. Heard counsel for both the parties and perused the case diary.
7. The Police personnel of PS- Arjunda, District – Balod, raided one premises situated in Arjunda and found duty paid liquor in various cartons the volume of 257.580 bulk liters along-with forged bottle caps labels, holograms stickers, etc, were recovered from the spot. It was found that the applicants and the persons presented on the spot were engaged in opening the sealed liquor bottles and adulterating the same by mixing water in that, thereafter, the forged bottles, caps, labels, stickers, etc, were used to reseal the said bottles. Some articles have been seized from the spot. After completion of investigation, the charge-sheet has been filed.
8. Considered on the submission and contents of the case diary. The co-accused persons in this case namely Poonamchan in M.Cr.C. No. 6743/2017, by order dated 15.12.2017, and Mangla Shukla, Mukesh Gupta, Puranik, Omprakash, Avinash, by order dated 06.02.2018, have been granted bail by this Court, all the applicants appear to have similar case, the applicants are in detention since some quite time, after filing of the charge-sheet no purpose would be served, if the, applicants are kept in detention, till the completion of the trial, hence, this Court is of the opinion that this is a fit case, where the applicants in both the cases are entitled for grant of bail.
9. Consequently, both the applications M.Cr.C. No. 541 of 2018 and M.Cr.C. No. 419 of 2018, filed under Section 439 of the Cr.P.C. are hereby allowed. It is directed that all the

applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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