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HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 317 of 2018

- Mangla Shukla S/o Shri Laxmidhar Shukla, Aged About 27 Years R/o Kabir Nagar, Raipur, P. S. Kabir Nagar, District Raipur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

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

---- Respondent

And

M.Cr.C. No. 47 of 2018

- Mukesh Gupta S/o Late Shri Vishwanath Gupta, Aged About 41 Years R/o Simarsity, Mathpuraina, Raipur Tahsil And District Raipur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Balod Police Station Arjunda , District Balod Chhattisgarh , Chhattisgarh

---- Respondent

And

M.Cr.C. No. 565 of 2018

1. Puranik S/o Vishnuprashad Thakur Aged About 42 Years R/o Village Khapri, P.S. Arjunda, District Balod Chhattisgarh, District : Balod, Chhattisgarh
2. Omprakash S/o Dilip Kumar Chandravanshi Aged About 27 Years R/o Village Arjunda P.S. Arjunda District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through P.S. Arjunda District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Respondent**And****M.Cr.C. No. 594 of 2018**

- Avinash S/o Late Ajay Arora Aged About 48 Years Caste Khetria, R/o Rupmani Parasmani Appartment, Flate No 08/g, 1 B, Maulana Abdul Kalam Azad Sarani, Police Station Phoolbagan, Calcutta, West Bengal., District : Kolkata, West Bengal

---- Applicant**Versus**

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

---- Respondent

For the Applicants	:	Shri Awadh Tripathi, Shri Jitendra Gupta, Shri Vikas A, Shrivastava, and Shri, H.S. Ahluwali, Advocates.
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For the Respondent/State	:	Shri Anil S. Pandey, GA.
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Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****06.02.2018**

1. All the applications are heard and decided together by this common, order, as all the bail applications are arising out 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 420, 409, 467, 471, 109, 120 B/ 34 of the Indian Penal Code and Section 34 (2) of C.G. Excise Act, and Sections 51, 63 of 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. Learned counsel for applicant – Mangla Shukla in M.Cr.C No. 317 of 2018 submits that he is an auto rickshaw driver and had been engaged to transport in collecting cartons from the Railway Station to deliver the same to the place in Ramehswar Nagar, near Ram Janki Mandir, Khamtari, Raipur, therefore, the present applicant is not connected in the said offence. Further, it is also submitted that he was made a witness, later on he has been arrayed an accused, after making seizure of some articles from him.
5. Learned counsel for applicant – Mukesh Gupta in M.Cr.C No. 47 of 2018 submits that he is simply an employee of the liquor contractor,

and was working on the instruction of the liquor contractor and while working under the instruction of the liquor contractor, he had received some articles which have been seized from his possession.

6. Learned counsel for applicants – Puranik and Anr, in M.Cr.C No. 565 of 2018 submits that they are salesman employee of the liquor contractor and no articles has been seized form their possession, hence, they are no connected to the said offence.
7. Learned counsel for applicant – Avnish in M.Cr.C No. 594 of 2018 submits there is no incriminating evidence against him that he was the manufacturer of the fake bottle caps, he has been implicated only on the basis of the memorandum statement given by the co-accused (Mukesh Gupta), he is not connected to the said offence.
8. 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.
9. Heard counsel for both the parties and perused the case diary.
10. The Police personnel of PS- Arjunda, District – Balod, radded one premises situated in Arjunda and found duty paid liquor in various cartons the volume of 27.5 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 Mamta Prasad Shukla and Mukesh Gupta. After completion of investigation the charge-sheet has been filed.

11. Considered on the submission and contents of the case diary one of the co-accused person in this case namely Poonamchand has been granted bail by this Court in **M.Cr.C. No. 6743/2017**, order dated **15.12.2017**, 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.

12. Consequently, all the applications **M.Cr.C. No. 317 of 2018, M.Cr.C. No. 47 of 2018, M.Cr.C. No. 565 of 2018** and **M.Cr.C. No. 594 of 2018** filed under Section 439 of the Cr.P.C. are hereby allowed. It is directed that 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