

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1951 of 2018

1. Dilbag Singh @ Bange S/o Mangal Singh Dillan, Aged About 34 Years, Occupation- Transport of Vegetables, R/o- Near Sahid Bhagat Singh School, Ward No. 19, Titurdih, Police Station- Mohan Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Harjender Singh @ Jinda S/o Gorbhej Singh, Aged About 39 Years Occupation- Transport of Vegetables, R/o Buchharkala, Police Station- Chanar, District- Tarnataran, Pubjab, Present Address- Near Sahid Bhagat Singh School, Ward No. 19, Titurdih, Police Station- Mohan Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- District Magistrate, Kawardha, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

And

MCRC No. 2161 of 2018

1. Pradeep Kumar Yadav @ Golu S/o Ramswaroop Yadav, Aged About 25 Years, Occupation Vegetables Transport, R/o Pipariya. Police Station Koni, District Shahdol, Madhya Pradesh., District : Shahdol, Madhya Pradesh
2. Sukhen Jaiswal S/o Jagannath Jaiswal, Aged About 30 Years, Occupation Vegetables Transports, R/o Badwahi, Police Station Umariya, District Shahdol, Madhya Pradesh., District : Shahdol, Madhya Pradesh

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Kawardha, District Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Non-applicant

For Applicants – Shri Anurag Bajpai, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-03-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.277/2017, registered at P.S. Pipariya, Outpose Dashrangpur, District Kabirdham, Chhattisgarh for the offence under Section 34(1)(a), 34(2) of C.G.

Excise Act, they are being decided by this common order.

2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are second bail application before this Court filed by the applicants for grant of regular bail. Their first bail applications were dismissed as withdrawn with liberty to revive the same. The applicants have been arrested on 06-12-2017 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants are in jail since 06-12-2017. The trial has commenced after filing of charge sheet against the applicants and the independent seizure witnesses who have been examined before the trial Court have not supported the case of prosecution, for which they have been declared hostile. The applicants are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicants may be released on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that huge quantity of liquor has been seized from these applicants. Hence, looking to the gravity of the case, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. On the date of incident a pick-up vehicle CG -04CR-7000 was intercepted and searched, in which 45 cartons of foreign liquor containing in total 594 bulk liter of foreign liquor was being found transported and the seizure was made from the applicants in both the applications. The applicants had no relevant documents to show authority of possession of the liquor. Hence, this case.

7. Considered on the submissions made and contents of the case diary.

8. Perused the certified copy of the statement of the independent witnesses who have been declared hostile for not supporting the case of the

prosecution. Hence, for these reasons, I am of this view that these applicants should be released on bail during conclusion of the trial against them.

9. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail 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 Court, for their appearance as and when directed.

10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge