

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2723 of 2018**

1. Baljeet Singh S/o Gopal Singh Aged About 41 Years Occupation Transport, R/o- Chauhan Green Valley, Junwani, P.S. Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Dilip Katre S/o Late Horilal Aged About 36 Years Occupation-Cloth Marchant, R/o- Fish Market, Ward No. 5, Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- District Magistrate, District Kabirdham, Through S.H.O. Police Station- Kukdur, District- Kabirdham, Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh.

---- Respondent

For the Applicants : Shri A.C. Sahu, Advocate.
 For the Respondent/State : Shri Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.05.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.104 of 2017, registered at Police Station Kukdur, District – Kabirdham, Chhattisgarh for the offence punishable under Sections 34(1)(A) and 34(2) of the Chhattisgarh Excise Act.

2. Learned counsel for the applicants submits that the applicants are in jail since 10.12.2017 and have been falsely implicated in this case. Presently, the case is pending before the trial Court but the development that has taken place is that the independent witnesses of seizure of liquor have not supported the case of the prosecution and declared hostile by the

prosecutor. Hence, it is prayed that the applicants be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that huge quantity of liquor has been seized from the possession of both the applicants which shows that they are engaged in illegal business of liquor. Hence, the applicants are not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. On the date of incident, a Scorpio vehicle bearing registration No.C.G.07-AS/1251 was stopped and searched. The vehicle was occupied by both the applicants. On a search made, 319.68 bulk liters of foreign liquor was seized from the possession of both the applicants. Hence, this case.

6. Presently, the case is pending before the trial Court. The applicants are local residents of District Durg and there shall be no difficulty in their availability during trial and the trial of the case is likely to take some time for its final disposal, I am of the considered opinion that the applicants deserve to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 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

Nimmi