

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8868 of 2018

Diwaker Prasad Singh S/o Ramnaresh Prasad, aged about 52 years, R/o Indore P.S. Piplihana, District Indore (M.P.) (Not mentioned in impugned order).

--- Applicant

Versus

State of Chhattisgarh, Through S.H.O., P.S. Basna, Saraipali, District Mahasamund (C.G.).

---- Respondent

AND

MCRC No. 8930 of 2018

1. Jayesh Goyal, Aged about 32 years S/o Shri Suresh Goyal, R/o 62, Annapurna Road, Police Station Indore City, Tahsil & Distt. Indore (M.P.).
2. Mahesh Gupta, Aged about 40 years, S/o Shri Rambabu Gupta R/o 302 Hilton Tower, Police Station Indore City, Tahsil & Distt. Indore (M.P.).

--- Applicants

Versus

State of Chhattisgarh, Through Police Station Basna, Tahsil Civil & Revenue Distt. Mahasamund (C.G.).

---- Respondent

For Applicant (in MCRC No. 8868/2018) : Mr. Goutam Khetrapal, Advocate
For Applicants (in MCRC No. 8930/2018): Mr. J.A. Lohani, Advocate
For Respondent : Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/11/2018

1. Since both the cases arise out of same crime number, therefore, they are being disposed of by this common order.
2. The Applicants have preferred First Bail applications (in both cases) under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 398/2018 registered at Police

Station Basna, Tahsil & Distt. Mahasamund (C.G.) for the offence punishable under Section 420, 467, 468 & 120-B of the IPC and Section 34 (2) of the Chhattisgarh Excise Act.

3. As per prosecution story, on 10/10/2018 a secret information was received by Sub Inspector of Police Station, Basana that some persons are transporting illegal liquor in a truck bearing registration No. MP06-HC-2730. On the basis of said information, the police party made a search on the vehicle and seized 4320 bulk liters of English Goa liquor from possession of co-accused Raju Dangi, Rajesh Patel and Rohit Baghel. On their memorandum, Applicant Diwaker Prasad Singh has been arrested on 10/10/2018 and Applicants Jayesh Goyal and Mahesh Gupta have been arrested on 21/10/2018. It is alleged that the Applicants were involved in the alleged offence.
4. Learned counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated. There is no direct evidence against any of the Applicants for commission of alleged offence. He further submits that no liquor has been seized from any of the Applicants. Applicant Diwaker Prasad Singh is in custody since 10/10/2018 and Applicants Jayesh Goyal and Mahesh Gupta are in custody since 21/10/2018, therefore, the Applicants may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail applications.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that Applicant Diwaker Prasad Singh is in custody since 10/10/2018 and Applicants Jayesh Goyal and Mahesh Gupta are in

custody since 21/10/2018, and further considering that no seizure has been made from any of the present Applicants, without further commenting on merit of the case, I am inclined to release the Applicants on bail.

8. Accordingly, the bail applications are allowed.
9. It is directed that the Applicants shall be released on bail on each of them executing a personal bond for a sum of Rs. 2,00,000/- with two local sureties each of Rs. 1,00,000/- to the satisfaction of the trial Court for their appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul