

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9044 of 2018

- Rajesh Rajput S/o Shri Dwarika Prasad Rajput, Aged About 38 Years, R/o Village and Post Mohandi, Police Station Khallari, Tahsil -Bagbahara, Civil and Revenue District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh Through The Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Respondent

AND

MCRC No. 9118 of 2018

- Rajesh Patel S/o Firanlal, Caste Aghariya, R/o Village Bhawarchuwa, P.S.- Basna, Tahsil – Basna, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Respondent

AND

MCRC No. 9396 of 2018

- Sandeep Singh Grewal S/o Surendra Singh Grewal, Aged About 33 Years, R/o 7/4 Vijay Nagar, Indore, P. S. Vijaynagar, District Indore, M. P.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Basna, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant (In MCRC No. 9044/2018)	: Shri Sunil Sahu, Advocate.
For Applicant (In MCRC No. 9118/2018)	: Shri Amiyakant Tiwari, Advocate.
For Applicant (In MCRC No. 9396/2018)	: Shri Kapil Maini, Advocate.
For State/Respondent	: Shri Sangharsh Pandey. Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/12/2018

1. Heard.
2. Since all cases arise out of same Crime No., therefore, they are being disposed of by this common order.
3. The Applicants have preferred their first bail applications under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with crime No. 398/2018, registered at Police Station – Basna, District- Mahasamund, (C.G.) for the offence punishable under Sections 420, 467, 468 & 120-B of the IPC and Section 34(2) of the Chhattisgarh Excise Act.
4. As per the prosecution story, on 01/10/2018, a secret information was received by Sub-Inspector of Police Station- Basna that some persons are transporting illegal liquor in a truck bearing registration No. MP-06-HC-2730. On the basis of the said information, the police party made a search on the vehicle and seized total 4320 bulk liters of English Goa liquor from the possession of the co-accused Raju Dangi, Sanju Patidar and Sunny Kumar Singh. Thereafter, on the basis of the memorandum statement of the Applicant Rajesh Patel (MCRC No. 9118/2018), 9 bulk liters of English Goa liquor has been seized from his possession alongwith one Duster (vehicle) bearing registration No. CG-04-KP-8868. Allegations against the Applicants Rajesh Rajput (in MCRC No. 9044/2018) and Sandeep Singh Grewal (in MCRC No. 9396/2018) is that, they are also involved in the said crime and allegedly they were also present on the spot and thereafter, they fled away.

5. Learned Counsel appearing on behalf of the Applicants submits that the Applicants are innocent and have been falsely implicated in the case. Shri Tiwari, Counsel for the Applicant (in MCRC No. 9118/2018) submits that quantity of the liquor seized from the possession of the Applicant is only 9 bulk liters and is in custody since 18.10.2018. Counsel for the other Applicants also submit that there is no seizure from the other Applicants also. Applicant Rajesh Rajput (in MCRC No. 9044/2018) and Applicant Sandeep Singh Grewal (in MCRC No. 9396/2018) have been taken into custody on 28.10.2018 and 18.10.2018 respectively. They also submit that co-accused Diwaker Prasad Singh, Jayesh Goyal and Mahesh Gupta have already been granted bail vide order dated 26/11/2018 passed in MCRC No. 8868/2018 and MCRC No. 8930/2018 respectively by this Court. Therefore, they may also be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant Rajesh Rajput, Rajesh Patel and Sandeep Singh Grewal are in custody since 28.10.2018, 18.10.2018 & 18.10.2018 respectively and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release them on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the Applicant Rajesh Rajput (in MCRC No. 9044/2018) and Rajesh Patel (in MCRC No. 9118/2018) shall be released on bail on each of them executing a personal bond for a sum of Rs. 50,000/- with one solvent surety and Applicant Sandeep Singh Grewal (in MCRC No. 9396/2018) shall be released on bail on executing a personal bond for Rs. 2,00,000/- with two local sureties

each of Rs. 1,00,000/- for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge