

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3124 of 2019**

1. Dilbag Singh S/o Late Shri Pritam Singh, aged about 40 years, Caste Sikh, R/o D.12, Section-6, Bhilai, Police Station Kotwali, District Durg (C.G.)
2. Arun Kumar S/o Ramdayal, aged about 24 years, Caste Chamar, R/o Ward No. 35, Khurshipar, Police Station Khurshipar, District Durg (C.G.)

---- Applicants**Versus**

- State of Chhattisgarh Through: Police Station Bagnadi, District Rajnandgaon (C.G.)

---- State/Respondent/Non-applicant

For Applicants	:	Shri S.S. Baghel, Advocate
For Respondent/State	:	Shri K.K. Singh, Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****31.05.2019**

Heard.

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 09 of 2019, registered at Police Station- Bagnadi, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. Case of the prosecution, in brief, is that on 24.01.2019, 257.580 bulk litres of foreign liquor was seized from illegal possession of the applicants, thereby the applicants have committed the aforesaid offence.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in the crime in question as the seizure made is false and fabricated. He further submits that the applicants are in jail since 24.01.2019, charge-sheet has already been filed and no useful purpose would be served in keeping them in custody. He also submits that the applicants are innocent persons, hence they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that there is no previous criminal antecedents against the applicants.
5. I have heard the learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, further considering the fact that the applicants are in jail since 24.01.2019 and there is no previous criminal antecedents against the applicants and fact that conclusion of the trial may take some time, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
7. Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.50,000/ with two sureties each for the like sum to the satisfaction of the trial Court. The applicants are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
8. It is made clear that the applicants shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicants shall automatically stand cancelled without further reference to the Bench.

Certified copy as per rules.

Sd/-
(Gautam Chourdiya)
Vacation Judge