

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3563 of 2019

1. Krishna Banjare & Anr. S/o Chandan Banjare Aged About 30 Years R/o Tikri (Arjunda) , Police Station, Arjunda District Balod Chhattisgarh., District : Balod, Chhattisgarh
2. Ritesh Gandhi S/o Sampat Lal Aged About 30 Years R/o Arjunda, Police Station Arjunda, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Arjunda, District - Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Pravin Tulsyan, Advocate on behalf of Mr. Anil Gulati, Advocate
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For State	:	Mr. Sanjay Agrawal, G. A.
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S.B. Hon'ble Mrs. Justice Rajani Dubey

Order On Board

27/05/2019

Heard.

1. The 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.69/2019 registered at Police Station- Arjunda, District Balod (CG) for the offence punishable under Section 34 (2) of the Excise Act.
2. It is the case of the prosecution that 5.760 bulk liters of illicit country made liquor was seized by the police from the custody of the applicants and thereby committed the offence.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that as the applicants are in custody since 24.04.2019 and the trial is likely to take some time for its final disposal, they may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. Taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and bearing in mind the principles of law laid down in **Banti Singh Vs. State of Chhattisgarh** (MCRC No.6846 of 2014, decided on 5.1.2015), if the facts of the present case are examined, it is apparent that only 5.760 bulk liters of illicit liquor has been seized from them which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicants are in custody since 24.04.2019, case is triable by the Judicial Magistrate First Class, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicants that they have been falsely implicated in the case, I am of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, the applicants shall be released on bail, subject to following conditions:
 - (i) That, the applicants shall furnish a specific undertaking that while on bail, they will not commit any excise offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - (ii) That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
 - (iii) That the accused/applicants shall not act in any manner which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Vacation Judge

Ravi