

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5567 of 2019

1. Gupteshwar S/o Kumar Singh, Aged About 21 Years, R/o Village Supebeda, Police Station Devbhog, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Gariyaband, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Non-applicant

MCRC No. 5576 of 2019

1. Dilip Kumar Yadav S/o Shri Mannulal Yadav, Aged About 32 Years, R/o Village Nawadih (Rajim), Thana and Tahsil Rajim, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Excise Officer, Excise Circle Rajim, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

--- Non-applicant

MCRC No. 5579 of 2019

1. Santosh Kumar S/o Shri Ganeshu Ram Dewangan, Aged About 25 Years, R/o Village Gobra Nayapara, Thana- Gobra Nayapara, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh, through the Excise Officer, Excise Circle Rajim, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

MCRC No. 5726 of 2019

1. Prakash Rao Chouhan S/o - Chhabban Rao, Aged About 42 Years, R/o - Ward No.01, Forest Naka, Rajim, Post Office, Police Station and Tahsil Rajim, District Gariyaband Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through The District Excise Officer, Gariyaband, District Garibandh Chhattisgarh, District : Gariyabandh, Chhattisgarh

--- Non-applicant

For Applicant – Shri Navin Shukla, Advocate (in MCRC No.5567 of 2019),
Shri Sunil Sahu, Advocate (in MCRC No.5576 of 2019 and
MCRC No.5579 of 2019),
Shri Ghanshyam Kashyap, Advocate (in MCRC No.5726 of
2019).

For Non-applicant/State – Shri Kapil Maini, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2019

1. As these four applications arise out of the same crime number, i.e., Crime No.70/2019 registered at Police Station – Excise Circle Rajim (mentioned as Police Station – Excise Circle Gariyaband in MCRC No.5567 of 2019), District Gariyaband, Chhattisgarh for offence under Section 34(2) of Chhattisgarh Excise Act, they are being decided by this common order.
2. Applicants have filed these applications under Section 439 of the Cr.P.C. for grant of regular bail as applicants Gupteshwar (applicant in MCRC No.5567 of 2019), Dilip Kumar Yadav (applicant in MCRC 5576 of 2019) and Santosh Kumar (applicant in MCRC No.5579 of 2019) have been arrested on 24-7-2019 and applicant Prakash Rao Chouhan (applicant in MCRC No.5726 of 2019) has been arrested on 25-07-2019 in connection with aforesaid crime number and offence.
3. It is submitted by learned counsel for applicants that these applicants have been falsely implicated in this case. All the applicants are salesman in the Government liquor shop at Rajim. The liquor that was being sold from that shop was supplied to the applicants by Excise Department itself. Only for the reason that some of the liquor which was manufactured in the Madhya Pradesh these applicants have been made accused in this case. Applicants Gupteshwar, Dilip Kumar Yadav and Santosh Kumar are in jail since 24-7-2019 and applicant Prakash Rao Chouhan is in jail since 25-07-2019. Therefore, it is prayed that these applicants may be granted regular bail.
4. Learned counsel for the State/non-applicant opposes the applications submitting that the applicants had no authorization to make sale of liquor manufactured in another State and further there is allegation that the said liquor was procured by the applicants through illegal sources, therefore, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. On the date of incident an inspection was made by the Excise Officer in the liquor shop at Rajim where the applicants were found in possession of 711 bulk liter plain country liquor manufactured in Madhya Pradesh. Hence, this case.

7. This is a case of making unauthorized sale of liquor regarding which the excise duty is paid to some other State. Further, for the reason that there is no requirement to keep the applicants in continuous detention, therefore, I feel inclined to allow all these applications.

8. Consequently, all these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that these 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 Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge