

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7943 of 2019**

1. Amrika Singh @ Amarika Paikara S/o Bhog Singh Aged About 45 Years R/o Village Sabar (Baghapara), Police Station And Tahsil Kasdol, District Balodabazar, Chhattisgarh.
2. Jagdish Paikara S/o Puniram Aged About 35 Years R/o Village Sabar (Baghapara), Police Station And Tahsil Kasdol, District Balodabazar, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Excise Circle Sheorinarayan, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Atul Kumar Kesharwani, Adv.
For Respondent/State	: Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****17/12/2019**

1. The accused/applicants have moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 467/2019 registered at Police Station - Excise Circle, Sheorinarayan, District Janjgir-Champa (C.G.) for the offence punishable under Sections 34(2) & 59 (A) of the C.G. Excise Act.
2. It is the case of the prosecution that, total 20.00 bulk liters of illicit liquor was seized by the police from the custody of applicants in a motorcycle bearing registration No. CG 04 HM 6374 and thereby committed the offence.
3. Learned counsel for the applicant informed the Court that

applicant No.-1, Amrika Singh died yesterday so, he does not want to press the bail application of the applicant No. 1 and wants to withdraw the same.

4. Accordingly, bail application in respect of Amrika Singh is dismissed as withdrawn.
5. In respect of applicant No. 2, Jagdish Paikara, Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He further submits that as the applicant is in custody since 09.11.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. 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 v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014), decided on 05.01.2015), if the facts of present case are examined, it is apparent that only 20.00 bulk liters of illicit liquor has been seized from the applicants which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicant No. 2 is in custody since 09.11.2019, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicant No. 2 that he has falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicant No. 2 should be enlarged on regular bail.
8. Accordingly, the application in respect of applicant No 2,

Jagdish Paikra, is allowed. It is directed that on furnishing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant No. 2 shall be released on bail, subject to following conditions:

- That, the applicant No. 2 shall furnish a specific, undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant No. 2 shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant No. 2 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.
- That, the accused/applicant No. 2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

9.Certified copy, as per rules.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sabu