

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1404 of 2020

1. Sheetal Mannade, S/o Pannalal Mannade, Aged About 23 Years, R/o Joba, P.S. Tumgaon, Tahsil & District- Mahasamund Chhattisgarh.
2. Dhaneswar Mannade, S/o Pawan Mannade, Aged About 22 Years, R/o Joba, P.S. Tumgaon, Tahsil & District- Mahasamund Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through the Station House Officer, Mahasamund, District- Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Mr. S. S. Baghel, Adv.
For Respondent/State	: Mr. Vaibhav Kartikeya Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

04.03.2020

- The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 70/2020 registered at Police Station- Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 49 (A) of Chhattisgarh Excise Act and Sections 409, 448 & 120-B, 34 of I.P.C.
- The prosecution story, in brief is that, on 01.02.2020 at about 12:15 AM, the present applicants along with other co-accused persons had mixed water with the liquor bottle kept in the Government bottle and they have misappropriated an amount of Rs. 4,16,400/-. The police seized Rs. 2,000/- & Rs. 1,500/- from the applicants. Thereafter, offence has been registered against the present applicants.
- Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in

the crime in question. He further submits that no liquor has been seized from the possession of the present applicants but some materials like 505 numbers of cap of Goa Whisky, 5 numbers of cartoon and each contains 48 numbers of empty bottles of Goa Whisky, total 240 number of bottles of Goa Whisky and one cartoon in which 48 numbers of Goa Special Whisky of broken seal has been seized. The applicants are in jail since 03.02.2020, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the applicants are in jail since 03.02.2020 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the application is allowed.
- Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court, subject to following conditions:
 - That, the applicants shall furnish a specific, undertaking that while on bail, they shall not commit any excise offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
 - 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.

- That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

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

Ruchi