

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.3019 of 2020**

1. Deepak Das @ Dilip Das S/o Nankun @ Samaru Das Mahant Aged About 29 Years R/o Village Koniypath, Police Station Saragaon, District Janjgir Champa, Chhattisgarh.,
2. Nankun @ Samaru Das Mahant S/o Late Konda Das Mahant Aged About 65 Years R/o Village Koniypath, Police Station Saragaon, District Janjgir Champa, Chhattisgarh.
3. Raju Das Mahant S/o Nankun @ Samaru Das Mahant Aged About 38 Years R/o Village Koniypath, Police Station Saragaon, District Janjgir Champa, Chhattisgarh.
4. Manish Kumar Sahis S/o Ravishankar Sahis Aged About 25 Years R/o Village Lakhurri, Police Station Saragaon, District Janjgir Champa, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, District Janjgir Champa, Chhattisgarh.

---Non-applicant

For Applicants : Shri Aditya Sharma, Advocate

For Non-applicant : Shri Ayaz Naved, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****24.8.2020.**

1. Proceedings of this matter have been taken up through Video Conferencing.
2. The accused/applicant have moved this bail application under

Section 439 of the Code of Criminal Procedure, 1973 for release of them on regular bail during trial in connection with Crime No. 05 of 2020 registered at Police Station Saragaon, Dikstt. Janjgir-Champa (CG) for the offence punishable under Section 34(1), 34(2) & 59(A) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that, from the possession of four applicants and one Rajesh Patel, 6842.880 bulk liters of foreign liquor was seized without authority of law.

4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have falsely been implicated in crime in question. They are in jail from long and co-accused Rajesh Patel has already been granted anticipatory bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard counsel appearing for the parties and perused the case diary.

7. Taking into consideration the facts & circumstances of the case, nature and gravity of offence, pre-trial detention of the applicants and also taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915 and considering the quantity of liquor seized from the possession of present applicants, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby rejected.

Sd/-
(Sanjay K. Agrawal)
JUDGE

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