

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2508 of 2020**

1. Dipak Chandravanshi S/o Kuleshwar Chandravanshi Aged About 26 Years R/o Village- Ruse, Police Station-Pandatarai, Tahsil-Pandariya, Present Address- Ramnagar, Kawardha, Police Station And Tahsil- Kawardha, District- Kabirdham Chhattisgarh.
2. Jivan Shrivastava S/o Dhananjay Shrivastava Aged About 20 Years R/o Maa Karma Ward No. 02, Kawardha, Police Station And Tahsil- Kawardha, District Kabirdham Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh Through District Magistrate, District Kabirdham Chhattisgarh.

---- Non-applicant

For Applicants	:	Mr. Dharmesh Srivastava, Advocate
For Non-applicant	:	Mr. K. K. Singh, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order****11/05/2020**

1. The matter is in defaults.
2. The bail application has been filed through E-mail.
3. For the reasons assigned by the learned counsel for the applicants, the defaults as pointed out by the Registry are overruled.
4. The applicants have preferred this application under Section 439 Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No.164/2020 registered at Police Station Kawardha, District Kabirdham for the offence punishable under Section 34 (2) of C.G. Excise Act.
5. Case of the prosecution, in brief, is that the applicants have been found in illegal and unauthorized possession of liquor of 8.640 bulk litre.
6. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicate in the offence. They are in jail since 25/04/2020. Though the investigation is not complete, but further detention of applicants are not necessary for completion of investigation. Therefore, at this stage, looking to the small quantity of

liquor alleged to be seized from the possession of applicants, they may be granted regular bail.

7. On the other hand, learned counsel for the State opposes the bail application and submits that as unauthorized liquor was seized from the possession of applicants, a *prima facie* case is made out. Investigation is not complete, therefore, at this stage the bail application may be rejected.
8. Considering the nature of offence, total quantity of liquor alleged to have been seized from possession of applicants, the fact that applicants are in custody from 25/04/2020, age of applicants i.e. 26 years and 20 years respectively and that the offence is triable by a Magistrate, but without commenting anything on the merits of case, I am inclined to release applicants on regular bail.
9. Accordingly, the bail application is allowed. It is directed that on applicants furnishing a personal bond in the sum of Rs.10,000/- (Rupees Ten Thousand) each with one surety in the like sum to the satisfaction of the Court below concerned, they be released on bail for their appearance before the Court below concerned as and when directed. It is made clear that registration of similar nature of case against the applicants in future, would entail automatic cancellation of bail without reference to this Court.
10. Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge