

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2498 of 2020

1. Shoukilal, S/o Satyaprakash, aged about 25 years,
2. Shivkumar, S/o Mukundram, aged about 39 years
3. Ghasiya, S/o Late Santram Bariha, aged about 34 years.

all are residents of Village Kaudiya, Thana Pithora, District Mahasamund (CG)

---- Applicants

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Pithora, District Mahasamund (CG)

---- Respondent

For Applicants	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Mr. K.K. Singh, Government Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

ORDER

11/05/2020

1. Heard on I.A. No.3 of 2020, application for exemption from filing certified copy of bail rejection order, notarized application and affidavit.
2. This bail application has been filed through e-mail.
3. Considering the reasons assigned in I.A. No.3/2020 and also the undertaking filed by learned counsel along with bail application, I.A. No.3/2020 is allowed.
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.93/2020 registered at Police Station Pithora, District Mahasamund (CG) for the offence punishable under Section 34 (2) of the Excise Act.
5. Case of the prosecution, in brief, is that the applicants have been

found in possession of illicit hand-made *Mahua* liquor of 20 bulk litre.

6. Learned counsel for applicants submits that the applicants are innocent and have been falsely implicate in the offence. They are in jail since 30.4.2020. Though the investigation is not complete, but further detention of applicants is not necessary for completion of investigation. The offence is triable by a Magistrate. Hence, he prayed that the applicants be released on regular bail.
7. On the other hand, learned counsel for the State opposes the bail application and submits that as illicit hand-made liquor (Mahua) 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 30.4.2020 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. I.A. No.2/2020, application for hearing during lock down period, stands disposed off.
11. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-