

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2513 of 2020

1. Ritesh Banjare, S/o Sukhsagar, Aged About 36 Years Village Pidi, Thana Sirgitti, (True Village Podi), District Bilaspur, Chhattisgarh.
2. Jai Narayan Kurre, S/p Gyandas (Father-Shan), aged 30 years, R/o Chilhati, PS-Sarkanda, District Bilaspur

Versus

- State Of Chhattisgarh Through Police Station Sirgitti (Correct Police Station 'Chakarbhatha'), District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants	:	Shri K.K. Khatri, Advocate
For Respondent	:	Shri K.K. Singh, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu

ORDER

11/05/2020

1. Heard on I.A. Nos.1, 2 & 4 of 2020, applications for exemption from filing affidavit, memo of appearance & certified copy of bail rejection order.
2. This bail application has been filed through e-mail.
3. For the reasons assigned in the above applications, the same are 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 Chakarbhatha, District Bilaspur (CG) for the offence punishable under Sections 34 (2) & 59 (A) of the Excise Act.
5. Case of the prosecution, in brief, is that the applicants have been found in illegal and unauthorized possession of handmade liquor and Mahua, total 15 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 14.4.2020. Though the investigation is not complete, but further detention of applicants is 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 applicant; the fact that applicants are in custody from 14.4.2020 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.3/2020, application for hearing during lock down period, stands disposed off.
11. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-