

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2669 of 2020**

1. Khuman Patel S/o Manohar Patel Aged About 27 Years R/o- Bijli, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh
2. Kuleshwar Pate S/o Bhoku Patel Aged About 24 Years R/o- Bijli, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh
3. Dageshwar Gupta S/o Radheshyam Aged About 22 Years R/o- Bijli, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh

---- Petitioners**Versus**

- State Of Chhattisgarh Through- Police Station, Fingeshwar, District- Gariyaband, Chhattisgarh

---- Respondent

For Applicants	:	Shri Pushpendra Kumar Patel, Adv.
For Respondent	:	Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Smt Justice Rajani Dubey**Order on Board****15/05/2020**

- The Registry has pointed out default with regard to certified copy of impugned order.
- Learned counsel for the applicants is directed to file certified copy of the impugned order through E-mail.
- Heard.
- Admit.
- The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No.73/2020 registered at Police Station Fingeshwar,

District Gariyaband (C.G.) for the offence punishable under Section 34 (2) of the C.G. Excise Act, 1915.

- It is the case of the prosecution that 10.000 bulk liters of illicit liquor (Mahuwa) was seized by the police from the custody of applicants and thereby committed the offence.
- Learned counsel for the applicants submits that the applicants have been falsely implicated in the crime in question. He further submits that as the applicants are in custody since 16.04.2020 and the trial is likely to take some time for its final disposal, they may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- Taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and bearing in mind the principles of law laid down in **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014), decided on 05.01.2015), if the facts of present case are examined, it is apparent that only 10.000 bulk liters of illicit liquor has been seized from them which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicants are in custody since 16.04.2020, case is triable by the Judicial Magistrate First Class, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicants that they have falsely been implicated in case, I am of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.
- Accordingly, the application is allowed. It is directed that on

furnishing a personal bond in the sum of Rs.50,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, the applicants shall be released on bail, subject to following conditions:

- That, the applicants shall furnish a specific, undertaking that while on bail, they will 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge