

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2823 of 2020

Abbas Khan, S/o Mahboob Khan, aged 28 years, R/o Chataipara Quarters,
P.S. Chawani, Bhilai, District Durg (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Chawani, District Durg
(C.G.)

---- Non-applicant

ANDMisc. Criminal Case No.3891 of 2020

Mehboob Tawar, S/o Mehtab Tawar, aged 60 years, R/o Chataipara Quarters,
P.S. Chawani, Bhilai, District Durg (C.G.)

(In Jail)
---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Chawani, District Durg
(C.G.)

---- Non-applicant

For Applicants:	Mr. Anurag Jha, Advocate.
For Non-applicant:	Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/07/2020

1. Proceedings of these matters have been taken-up through video conferencing.
2. Since both the applications arise out of the same crime number, they are being disposed of by this common order.
3. The accused/applicants have moved these bail applications under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.183/2020, registered at Police Station Chawani, Distt. Durg, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

4. Case of the prosecution, in brief, is that applicant Abbas Khan was found in possession of 3.92 bulk litres of illicit liquor and on his statement, 1,530 bulk litres of illicit liquor was recovered from the possession of his father / applicant Mehboob Tawar, and thereby the applicants have committed the offence.
5. Learned counsel for the applicants submits that these are the first bail applications filed on behalf of the applicants for grant of regular bail, the applicants have not committed any offence and they have falsely been implicated in the case and therefore, they may be released on bail. Applicant Abbas Khan was arrested on 20-4-2020 and applicant Mehboob Tawar was arrested on 31-3-2020. He further submits that only 3.92 bulk litres of illicit liquor was seized from Abbas Khan and he is in custody since 20-4-2020, whereas Mehboob Tawar has been falsely implicated merely because he is father of Abbas Khan, as such, they be released on bail.
6. On the other hand, learned State counsel opposes the bail applications and submits that applicant Abbas Khan has criminal antecedents and as many as 17 criminal cases have been registered and are pending against him, whereas 1,530 bulk litres of illicit liquor was seized from Mehboob Tawar and in view of Section 59-A(ii) of the Chhattisgarh Excise Act, 1915, he is not entitled to be released on bail.
7. I have heard learned counsel appearing for the parties.
8. Taking into consideration the quantity of liquor which has been seized from both the applicants, criminal antecedents of applicant Abbas Khan, 1,530 bulk litres of illicit liquor was seized from applicant Mehboob Tawar and in view of Section 59-A(ii) of the Chhattisgarh Excise Act, 1915, I am not inclined to grant bail to the applicants. Accordingly, both the applications are rejected.

Sd/-
(Sanjay K. Agrawal)
Judge