

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3012 of 2020**

1. Ritik Umesh Pandit, S/o Umesh Pandit, aged About 19 years, R/o Village Golibar Chowki, Pachpoli , Rambha Road Patwigalli, Nagpur, District Nagpur (M.H.)
2. Umesh Raj Swami, S/o Late Raj Subramanyam, R/o PWD Katol Road, House No. 371 Nagpur, P.S. Mitti Khadan, District Nagpur (M.H.)

---- Applicants**Versus**

State of Chhattisgarh, through Thana In-charge, PS Farasgaon, District Kondagaon (C.G.)

----Non-applicant

For Applicants	: Mr. S.S. Baghel, Advocate.
For Non-applicant/State	: Mr. Sunil Otwani, Additional Adv. General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****28/08/2020**

- (1) Proceedings of this matter have been taken taken up through video conferencing.
- (2) The accused/applicants have preferred 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. 32/2020 registered at police Station Farasgaon, District Kondagaon (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act, 1915.
- (3) Case of the prosecution, in brief, is that the present applicants were found in possession of 720 bulk liters country made liquor unauthorizedly and without authority of law and thereby committed the aforesaid offence.
- (4) Counsel for the applicants submits that the applicants have been falsely implicated

in the crime in question as there is no evidence on record to connect the applicants with the crime in question. He further submits that main accused Dileep Kumar is still absconding; applicants have been arrested on 5.2.2020; trial is likely to take time for its final disposal and no useful purpose would be served by keeping them further in jail and, therefore, the applicants may be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Considering the totality of the facts, in particular, the provisions contained in Section 59-A(ii) of the C.G. Excise Act, 1915; and looking to huge quantity of liquor i.e. 720 bulk liters seized from the possession of the applicants; I am not inclined to release the applicants on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

