

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.2896 of 2020**

- Phool Singh @ Golu S/o Samaliya Aged About 25 Years Caste Kalar, R/o Village Chaitukhpari, Tehsil Dongargarh, O.P. Mohara, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station O.P. Mohara, P.S. Dongargarh, District- Rajnandgaon Chhattisgarh

---Non-applicant

AND**M.Cr.C.No.2936 of 2020**

- Chumman Sinha S/o Preetram Sinha, Aged About 37 Years Caste Kalar, R/o. Village Mohara, Tehsil Dongargarh, O.P. Mohara, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station O.P. Mohara, P.S. Dongargarh, District Rajnandgaon Chhattisgarh

---Non-applicant

AND**M.CrC. No. 3301 of 2020**

- Manoj Verma S/o Khemchand Verma Aged About 33 Years Caste- Lodhi, R/o- Village Chaitukhpari, Police Chowki- Mohara, Tahsil- Dongargarh, District- Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Dongargarh, District- Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicants in MCrC No.2896/2020 & 2936/2020 : Shri SS Baghel,
Advocate

For Applicant in MCrC No.3301/2020 : Shri Shivendu Pandya,
Advocate

For Non-applicant : Shri Jitendra Pali, Dy. Advocate General

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

14.9.2020.

1. Proceedings of these matters have been taken up through Video Conferencing.
2. As the above mentioned three cases arise out of same crime number, they are heard analogously and are being disposed of by this common order.
3. These are applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 171 of 2020, registered at Out post Mohara, Police Station Dongargarh, Distt. Rajnandgaon (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
- 4 Case of the prosecution, in brief, is that, 699.840 bulk liters of liquor has been seized from the possession of present applicants without authority of law.
- 5 Learned counsel for the applicants in MCrC No.2896/2020 and 2936/2020 would submit that no seizure has been made from these

applicants and the liquor has been recovered from the possession of applicant Manoj Verma only and both the applicants are in jail since 18.4.2020. However, learned counsel appearing on behalf of applicant Manoj Verma would submit that huge quantity of liquor was recovered from the possession of applicant Phool Singh and Chumman Sinha only. Applicant Manoj Verma is in jail since 20.4.2020.

6. On the other hand, learned counsel for the State opposes the bail applications.

7. I have heard counsel appearing for the parties and perused the case diary.

8 Taking into consideration the facts & circumstances of the case, nature and gravity of offence, pre-trial detention of the applicants and also taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and considering the huge quantity of liquor seized from the applicants, I am of the opinion that this is not a fit case to release the applicants on bail. Accordingly, all the three applications are hereby rejected.

Sd/-

(Sanjay K. Agrawal)
JUDGE