

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7267 of 2020

1. Vinay Tiger, son of Shri Lalsai Tiger, aged about- 28 years, R/o village Dhanhar Dippara PS Dongripali, Distt Raigarh Civil and Revenue Distt-Raigath (CG)
2. Vikas Tiger, son of Shri Lalsai Tiger, aged about 23 years, R/o village Dhanhar Dippara PS Dongripali, Distt-Raigarh (CG)

---- Applicants (In Jail)

Versus

- State of Chhattisgarh Through Police Station- Dongripali, Distt Raigarh, Chhattisgarh

---- Respondent

For Applicants	: Shri Manoj K Sinha, Advocate
For Respondent/State	: Shri Vikram Sharma, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

10.12.2020

1. Applicants have preferred this application under Section 439 CrPC for grant of regular bail as they have been arrested in connection with Crime No.56 of 2020 registered at Police Station Dongripali, Distt Raigarh CG for the offences punishable under Sections 34(2) and 59(A) of Chhattisgarh Excise Act.
2. Case of the prosecution in brief is that on 15.09.2020 on the basis of secret information Police went to the village of applicants, where the Police found the applicants in possession of 30 bulk litres of illicit liquor, on the basis of which they were arrested and crime was registered for the aforementioned offences.

3. Shri Manoj Sinha, learned counsel for the applicants submits that the alleged seizure of liquor has been made from the road side, which is a public place. The applicants were crossing the place of incidence, when they were arrested on the basis of suspicion. No offence as alleged against them was committed by them. The applicants were in jail since 15.09.2020.

4. Shri Vikram Sharma, learned Dy Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that the applicants have been found in illegal possession of liquor. Earlier also, one more case was registered against the applicant-1 of similar nature, hence they are not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. The allegation against the applicant is of having illegal possession of 30 bulk litres of liquor. Only one offence was allegedly registered against the applicants under Section 34(1) of the Excise Act.

7. Taking into consideration the entirety of facts and circumstances of the case, nature of offence, and the period of pre-trial detention, I am inclined to enlarge the applicants on bail.

8. Accordingly, the bail application is allowed. It is directed that the applicants be released on regular bail upon furnishing a bail 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 on the condition that:

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants shall not in any manner, tamper with the prosecution witnesses.
- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

padma