

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.587 of 2021**

1. Ritik Umesh Pandit, S/o Umesh Pandit, aged about 19 years, R/o Village-Golibar Chowki, Pachpoli, Rambha Road Patwigali, 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 (CG)

---Applicants

Versus

State of Chhattisgarh Through Thana-In-Charge Police Station Farasgaon, District-Kondagaon (CG)

---Non-applicant

For Applicants	:	Dr.Shailesh Ahuja, Advocate
For Non-applicant	:	Mr.Ravi Bhagat, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

29/01/2021

1. This is second bail application 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.32 of 2020, registered at Police Station-Farasgaon, Distt.-Kondagaon (CG), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915 (hereinafter called as 'Excise Act')
2. First bail application of the applicants was dismissed by this Court vide order dated 28.8.2020 in M.Cr.C.No.3012 of 2020.
3. Case of the prosecution, in brief, is that, 720 bulk liters of liquor were recovered from possession of present two applicants and

one Dilip Kumar Suryawanshi and thereby committed the aforesaid offence.

4. Learned counsel for the applicants submits that the applicants have not committed any offence and they have falsely been implicated in crime in question. They are in custody since 5.2.2020 and still trial has not commenced and charges have not been framed against the applicants. Even benefit of parole has not been extended to them and punishment prescribed under Section 34(2) of the Excise Act is only one year, as such, the applicants are entitled for grant of regular bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, the fact that punishment prescribed under Section 34(2) of the Excise Act is only one year and the applicants are in jail since 5.2.2020 and within 5 days they will be completing one year, the trial has not yet commenced and keeping in view that they are in jail since 5.2.2020 and the trial is likely to take sometime, I am of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.
8. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of ₹ 50,000/- 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-