

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8508 of 2020

Janiram Bharadwaj S/o Faguram Bharadwaj, Aged About 24 Years R/o Village Sudheli, Thana Balodabazar, District Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Balodabazar, District Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

MCRC No. 234 of 2021

Parsottam Kumar @ Sadhu Banjare S/o- Late Totaram Banjare Aged About 25 Years R/o- Sudheli, P.S.- City Kotwali Balodabazar, Distt.- Balodabazar Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, P.S.- City Kotwali, Dist.- Balodabazar (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

MCRC No. 1113 of 2021

Hiradas Alias Raja Kurre S/o Jeevanlal Kurre Aged About 19 Years R/o Sudheli, Village Balaudi, Thana Balodabazar, District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Balodabazar District Balodabazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

MCRC No. 8535 of 2020

Ramesh Dhidhi S/o Sundarlal @ Kholbahra Aged About 30 Years R/o Village-

Sudheli, Police Station- Balodabazar, District (Revenue And Civil)- Balodabazar-Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- City Kotwali- Balodabazar, District (Revenue And Civil)- Balodabazar-Bhatapara (Chhattisgarh), District : Balodabazar-Bhathapara, Chhattisgarh

For Respective Applicants : Ms. Supriya Upasane, Mr. Sumit Jhanwar,
Ms. Deblina Maity, Advocates

For State : Mr. Pawan Kesharwani, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/03/2021

Heard.

1. These bail applications are disposed off by this common order as they all arise out of same crime number.
2. The applicants are arrested in connection with Crime No.721/2020 registered in Police Station- Balodabazar, District- Balodabazar- Bhatapara (CG) for alleged commission of offence under Section 34 (2) of the Excise Act.
3. Case of the prosecution, in brief, is that the applicants are involved in illegal possession and sale of the huge quantity of country made liquor in 1719.360 bulk litres. According to the prosecution, the liquor which was kept in the house of applicant- Ramesh was being supplied to different persons during lock-down without any authority of law.
4. Learned counsel for the applicants would submit that the so called seizure of liquor from the house of applicant- Ramesh is false and fabricated. It is submitted that involvement of other accused/applicants is based on so called memorandum of other accused which is not permissible and except that, there is no other evidence against the other co-accused/applicants. Lastly, it

is submitted that the investigation is complete and charge sheet has been filed, the applicants are in jail since long and maximum sentence which could be awarded for the alleged commission of offence is three years, therefore, at this stage, the applicants may be granted bail.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that in the present case, allegation is of illegal possession and sale of huge quantity of 1719.360 bulk litres of country made liquor which is prima facie supported from seizure of that quantity from the house of Ramesh and memorandum of this accused and another accused involving each other in possession, transportation and sale etc. of the liquor.
6. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the nature of allegation, considering that the investigation is complete, charge sheet has been filed and the applicants are in jail since 29.10.2020, 2.11.2020, 29.10.2020, 22.2.2020 respectively and further taking into consideration their pre-trial detention and the maximum sentence which could be awarded for the alleged commission of offence, I am inclined to grant bail to the applicants.
7. The applications are accordingly allowed and it is directed that applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge