

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2106 of 2020

1. Dinu @ Dinbandhu Mourya & Anr. S/o Dhanurjay Mourya Aged About 27 Years
2. Laxman Mourya S/o Ghasiya Mourya Aged About 22 Years

Both are R/o Tikara Para Village Palwa P. S. Parpa District Bastar Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Frezerpur Parpa District Bastar Chhattisgarh

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate
For State	:	Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.01.2021

1. Heard
2. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of bail as they were arrested on 15.02.2020 in connection with Crime No. 35/2020, registered in Police Station Frezerpur Parpa Distt. Bastar (C.G.) for offence punishable under section 34(2) of C.G. Excise Act.
3. As per the prosecution case, on 15.02.2020, on a raid being conducted, illicit liquor measuring about 432 bulk liters was seized from the possession of the applicants.
4. Learned counsel for the applicants submits that the place of seizure

is from the house of the applicant No. 1 however the name of the applicant No. 2 has been inserted as he was also in the possession and the Police has prepared the false case. It is submitted that the chargesheet has been filed therefore the applicant No. 1 may be enlarged on bail.

5. Learned State counsel opposes the submission made by learned counsel for the applicant.

6. Perused the seizure. Perusal of the seizure shows that from the house of Dinbandhu Mourya (applicant No. 1) seizure has been made. Considering the same at this stage and taking into consideration the quantity of the liquor, I am not inclined to release the applicant No. 1 Dinbandhu Mourya on bail. However in respect of Laxman Mourya (applicant No. 2), considering the evidence available and the place of seizure, I am inclined to release the bail to applicant No. 2 on bail. Accordingly, the bail application is allowed and it is directed that the applicant No. 2 shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

7. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

