

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2897 of 2021

1. Atul Babulal Dhuriya S/o Babulal Bhagirat Dhuriya, Aged about 43 years, Caste Pardeshi Kahat, R/o Bade Nagpur, P.S. Dhantuli, District Nagpur, Maharashtra
2. Rohit Sudhakar Babar S/o Sudhakar Panduram Babar, Aged about 34 years, Caste Maratha, R/o Rameshwari Nagpur, P.S. Ajmi, District Nagpur Maharashtra

---- Applicants

Versus

- State of Chhattisgarh, Through P.S. Excise Circle Jagdalpur, District Bastar C.G.

---- State/Non-Applicant

For Applicants	:	Shri Vikas A Shrivastava, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

15.06.2021

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. as they are in jail since 15.03.2021 in connection with Crime No. 235/2021 registered in Police Station- Excise Circle Jagdalpur, District Bastar (CG) for the offence punishable under Sections 34 (1) (A), 34 (2), 36 & 59 (A) of the CG Excise Act.
2. Allegation against the present applicants is that they were found in possession of 4656.96 bulk liters of foreign liquor which was being illegally transported by a Truck Ashok Lyland bearing registration No. GJ 19 X 4866.
3. Learned counsel for the applicants submits that the present applicants came from Goa to deliver the consignment in Arunachal Pradesh and due to mistake, driver of the said truck took the same in wrong route and vehicle was seized by police of Police Station Excise Circle Jagdalpur, District Bastar (C.G.). The concerned police found 4656.96 bulk liters of foreign liquor in the said truck and the applicants were arrested on 15.03.2021. He also submits that as per invoice of M/s Vinayak Distilleries Pvt. Ltd, Goa, the

consignment was sent to M/s Majestic Bonded Warehouse Karsingsa, District Papum pare, Arunachal Pradesh and the validity of import permit was upto 19.03.2021 and the truck was seized on 15.03.2021. He submits that permit was issued in favour of the transporter.

4. Learned counsel for the applicants also submits that the applicants have been falsely implicated in the crime in question, they are languishing in jail since 15.03.2021 and conclusion of the trial is likely to take some time. Therefore, the applicants be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that as per invoice of M/s Vinayak Distilleries Pvt. Ltd, Goa, the consignment was being sent to M/s Majestic Bonded Warehouse Karsingsa, District Papum pare, Arunachal Pradesh and the validity of import permit was upto 19.03.201 and the truck was seized on 15.03.2021, but looking to the breach of permit, the applicants were arrested and the truck was seized by the concerned police in which 4656.96 bulk liters of foreign liquor was found, further considering the detention period of the applicants who are 43 & 34 years old, due to Covid-19 pandemic, conclusion of the trial is likely to take some, the applicants have no criminal antecedent as admitted by both the counsel and there is no apprehension of the applicants tampering with the evidence or absconding, without expressing any opinion on merits of the case, the bail application is allowed.
7. It is directed that in the event of each of the applicants executing a personal bond for a sum of Rs.2,00,000/- with one surety of Rs.2,00,000/- each to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-
 - i. they 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 fact to the Court.

- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.
 - iv. they shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.
 - v. they shall not involve themselves in any offence of similar nature in future.
8. Let a copy of this order be forwarded to the concerned Police Station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar nature of offence.

Sd/-
(Gautam Chourdiya)
Judge

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