

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3194 of 2021**

- Amrit Verma S/o Bhikhari Verma Aged About 36 Years R/o Village Bazaar Atariya, Police Station And Tehsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

MCRC No. 3292 of 2021

- Hirendra Sahu S/o Manthram Sahu Aged About 26 Years R/o Village Bajar Atariya, Police Station And Tahsil Khairagarh, Distt.- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Khairagarh, District Rajnandgaon Chhattisgarh.,

---- Respondent

For Applicants	: Shri Shaleen Singh Baghel and Shri Rakesh Pandey, Advocates for the respective parties.
For Respondent /State	: Ms. Sunita Jain, GA

Hon'ble Smt. Justice Rajani Dubey**Order On Board By Virtual Hearing****31/05/2021**

As both these M.Cr.Cs. arise out of the same crime number, they are being disposed of by this common order.

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No. 165/2021 registered at police station Khairagarh, district Rajnandgaon (CG) for the offence punishable under Section 34 (2) of the Excise Act.

Prosecution case is that after receiving secret information that the applicants were selling illicit liquor in their house, the police party raided and seized 36 bulk litres and 15 boxes of illicit liquor from the possession of applicants.

Counsels for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He submits that the applicants are in jail since 14.04.2021 and the trial may take some time for its disposal and therefore they be released on bail.

On the other hand, learned counsel for the State opposes the bail applications.

Heard counsel for the parties.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicants and the fact that as per condition laid down in Section 59-A(ii) of the CG Excise Act 1915 and also the principles of law laid in **Banti singh Vs. State of Chhattisgarh (MCRC No. 6846 of 2014)**, the applicants were found in possession of 36 bulk litres and 15 boxes of illicit liquor which is more than the prescribed limit of 5 bulk liters, but looking to the fact that the applicants are in custody since 14.04.2021, case is triable by Judicial

Magistrate First Class, the trial is likely to take some more time and also looking to the gravity of the offence, I am inclined to release them on regular bail. Accordingly, their applications filed under Section 439 of the Code of Criminal Procedure are allowed.

It is directed that in the event of the applicants' furnishing a personal bond of Rs. 50,000/- with one surety each in the like sum to the satisfaction of the concerned court for their appearance before it as and when directed, they shall be released on bail subject to the following conditions:

- I) 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.
- ii) 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.
- iii) That the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Sd/-
(Rajani Dubey)
Vacation Judge