

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3301 of 2021

1. Hemkumar Banjare S/o Ramesh Kumar Banjare Aged About 24 Years R/o Village- Kopedih, Police Station O.P. Tumdibod, District- Rajnandgaon, Chhattisgarh
2. Jeevan Sewta, S/o Jailal Sewta (wrongly written as Devlal Sewta in the order sheet of the court below), aged about 23 years, R/o village Nathunavagaon, Police Station OP Tumdibod, Tehsil Dongargaon, District Rajnandgaon (CG)

---- Applicants (in jail)

Versus

- State Of Chhattisgarh, Through The Police Station- Chhuria, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants	: Shri SS Baghel, Advocate
For Respondent	: Shri Alok Bakshi, Additional AG

(Proceeding through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

31.05.2021

1. Applicant has preferred this application under Section 439 of the CrPC for grant of regular bail as he has been arrested in connection with Crime No.102 of 2021 registered at Police Station Chhuria, District Rajnandgaon CG for offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution in brief is that on receiving secret information, Police of Chhuria Police Station found the applicants in possession of illicit liquor of 30.96 liters. They were arrested and crime was registered for the aforementioned offences.

3. Shri SS Baghel, learned counsel for the applicants submits that applicants have not committed any offence as alleged against them. He submits that alleged seizure of liquor was made from open place and they have been falsely implicated in the case. He further submits that applicants are not having any criminal antecedents against them, they are in jail since 05.05.2021 and prays for grant of bail under Section 439 of the CrPC.

4. Shri Alok Bakshi, learned Additional AG for the State opposing the submission made by learned counsel for the applicant submits that applicants have been found in possession of 30.96 liters of illicit liquor, manufactured at Maharashtra State. Hence, they are not entitled for the benefit under Section 439 of the CrPC.

5. I have heard learned counsel for the parties.

6. Taking into consideration nature of allegations, quantity of liquor alleged to have been seized from the possession of present applicants ie 30.96 bulk liters and considering that the applicants are in jail since 05.05.2021, without commenting on merits of the case, I am inclined to enlarge the applicants on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicants shall be released on regular bail upon furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) each, with one surety in the like sum to the satisfaction of the Court below concerned on the condition that:

- a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicants shall not in any manner, tamper with the prosecution witnesses.

- c) If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

8. In view of above, application for urgent hearing and application for hearing the case during summer vacation stand disposed off.

Certified copy as per rules.

Sd/-
V.Judge
(Parth Prateem Sahu)