

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5843 of 2021**

- Suraj Saluja S/o Shri Amarjeet Saluja Aged About 38 Years At- Gali No.2, Telibandha, Ps- Telibandha, District : Raipur, Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through SHO PS Kharora, District : Raipur, Chhattisgarh ---- **Respondent**

MCRC No. 5978 of 2021

- Pawan Mandal, S/o Shri Gopal Mandal Aged About 30 Years R/o Kachna Housing Colony, Police Station Khamhardih, Raipur, Tahsil And District Raipur Chhattisgarh ---- **Applicant**

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kharora, District Raipur Chhattisgarh ---- **Respondent**

For Applicants	: Shri Vinay Nagdev and Shri SP Sahu, Advocates
For Respondent/State	: Ms M Asha, Panel Lawyer

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

29.10.2021

1. As these two bail applications are arising out of same crime number, they are being disposed of by this common order.
2. Applicants have preferred these applications under Section 439 of CrPC for grant of regular bail as they were arrested in connection with Crime No.312 of 2021 registered at Police Station- Kharora, District- Raipur, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act .
3. Case of the prosecution, in brief, is that on 27.07.2021, patrolling Police received secret information that some persons are transporting illicit liquor in Car, based upon which Car bearing No.CG04 MG-0324 was intercepted and during the course of search, 34.560 bulk ltrs illicit liquor has been seized. Both the applicants were found travelling in Car along with illicit liquor. They were arrested on 27.07.2021 in aforementioned crime.

4. Shri Vinay Nagdev and Shri SP Sahu, learned counsel for applicants jointly submit that applicants have been falsely implicated in the case and they are in jail since 27.07.2021. Hence they may be enlarged on regular bail.

5. Ms M Asha, learned State counsel opposing the submissions of learned counsel for the applicants, submits that number of criminal antecedents have been mentioned in case diary against both the applicants of IPC, Gambling Act and also of Excise Act. Offence under Section 36 (C) of Excise Act has been registered in 2018 against applicant- Pawan Mandal. Further, upon putting specific query that any offence of similar nature has been registered against applicant- Suraj Saluja, learned State counsel submits that there is no mention of similar offences but for IPC and they are all old cases.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations, submissions made by learned counsel for the parties, quantity of liquor and period of detention of applicants, without commenting anything on merits of the case, I am inclined to enlarge the applicants on bail.

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

1. Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
2. Applicants shall not in any manner, tamper with the prosecution witnesses.
3. If the applicants are found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE

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