

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7080 of 2021

- Rahul Wadhwa S/o Shri Raj Kumar Wadhwa Aged About 26 Years R/o Ward No. 13, Near Mahakali Mandir, Nevra, Police Station - Nevra, District - Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P.S.- Vidhan Sabha, District - Raipur, Chhattisgarh.

---- Respondent

MCRC No. 7298 of 2021

- Awinash Wadhwa S/o Shri Raj Kumar Wadhwa, Aged About 28 Years R/o Ward No. 13, Near Mahakali Mandir, Nevra Police Station Nevra, District Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through P.S. Vidhan Sabha, District Raipur Chhattisgarh

---- Respondent

MCRC No. 7317 of 2021

1. Fhakruddin Khan S/o Wali Mohammad Aged About 28 Years R/o Sangram Chowk, Ward No. 19, Camp- 1, Supela, Bhilai, District Durg Chhattisgarh.
2. Aakash Singh S/o Rajkumar Bhatti Aged About 26 Years R/o 147, Arjun Nagar, Ward No. 19, Supela, Bhilai, District Durg Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Vidhan Sabha District Raipur Chhattisgarh.

---- Respondent

MCRC No. 7513 of 2021

1. Verendra Kumar Sahu S/o Late Shri Thakur Ram Sahu Aged About 24 Years R/o Ews -3, Housing Board Colony, Kohka Bhilai, P.S. Supela District Durg Civil And Revenue District Durg Chhattisgarh.
2. Fahim Ansari S/o Shri Salim Ansari Aged About 20 Years R/o Guru Ghasidas Nagar H.N. 74, Ward No. 27 Power House Bhilai P.S. Jamul District Durg Civil And Revenue District Durg Chhattisgarh.

---- Applicants

Versus

- State Of C.G. Through Police Station Vidhansabha District Raipur Chhattisgarh.

---- Respondent

For Applicants	: Shri Pawan Kesarwani, Shri Pushkar Sinha and Shri Ajay Mishra, Advocates
For Respondent /State	: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/10/2021

As all the above 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. 303/2021 registered at police station Vidhan Sabha, Raipur district Raipur (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.

As per prosecution case, after receiving secret information the police party intercepted the cars coming towards the Vidhan Sabha Road and on search being made, found 108, 126 and 864 bulk litres of

liquor from the possession of the applicants.

Counsels for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. They submit that the applicants are in jail since 28.08.2021 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 application.

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 108,126 and 864 bulk liters of illicit liquor which is more than the prescribed limit of 5 bulk liters, but looking to the fact that the applicant is in custody since 28.08.2021, 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 application filed under Section 439 of the Code of Criminal Procedure is 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 his 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 them from disclosing such facts to the Court or to any police officer.

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

Sd/-

(Rajani Dubey)
Judge