

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7682 of 2020

Prakash Deshmukh S/o Shri Santu Ram Deshmukh Aged About 28 Years R/o Village Dudhli, Police Station Balod, District Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through S.H.O. Police Station Balod, District Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Respondent

For Applicant	:	Shri Rishab Singh, Advocate under instructions from Shri A.C. Sahu, Advocate
For State	:	Shri Aman Kesharwani, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/01/2021

Heard.

1. The applicant is arrested in connection with Crime No.292/2020 registered in Police Station- Balod, District-Balod (CG) for alleged commission of offence under Section 34 (2) of the C.G. Excise Act.
2. Case of the prosecution, in brief, is that from the possession of the applicant, 6.21 bulk litres of country made liquor was seized which was found to be without valid authority or possession.
3. Learned counsel for the applicant would submit that the allegation of illegally transporting liquor is false. The applicant has not committed any such offence and a false seizure has been prepared. Learned counsel for the applicant further submits that investigation is complete and charge sheet has also been filed and the applicant is in jail since 7.9.2020, therefore, at this

stage, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application by submitting that the seizure of liquor from the possession of the applicant in the presence of witnesses makes out a prima facie case.
5. Taking into consideration the submissions made by learned counsel for the parties, particularly taking into consideration the quantity of liquor allegedly seized from the possession of the applicant and further considering that the applicant is in jail since 7.9.2020, investigation is complete and charge sheet has been filed, I am inclined to allow the application.
6. The application is accordingly allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Manindra Mohan Shrivastava)
Judge