

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8204 of 2020**

- Narendra Kumar S/o Jeevarakhan Giri Aged About 32 Years R/o - Gram-Banagboud, Police Station - Kasdol (Revenue And Civil) - Baloda Bazar, Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Excise Circle District, Balodabazar Bhatapara Chhattisgarh

---- Respondent

&

MCRC No. 8239 of 2020

- Anand Giri & Another S/o Shri Sarasram Giri Aged About 42 Years R/o Village - Banagboud, Thana - Kasdol, District - Baloudabajar - Bhatapara Chhattisgarh
- Dhanesh Kumar S/o Shri Anand Giri Aged About 19 Years R/o Village - Banagboud, Thana - Kasdol, District - Baloudabajar - Bhatapara Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh, Through The Excise Officer Excise Circle Balodabajar District - Baloudabajar - Bhatapara Chhattisgarh

---- Respondent

For respective Applicants : Shri Sumit Jhanwar and Ms. Anshu Ratre, Advocates
 For State : Shri Lalit Jangde, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****04/03/2021**

Both the applications are being disposed off by this common order as they arise out of the same crime number.

1. The applicants have been arrested in connection with Crime No.71/2020

registered at Police Station – Excise Circle Balodabazar District – Balodabazar-Bhatapara (C.G.) for alleged commission of offences under Section 34 (2) of Excise Act.

2. The applicants are involved in the alleged illegal transportation of liquor in the quantity of 230 litres said to be found in joint possession of the applicants.

3. Learned counsel for the applicants would argue that the applicants have been falsely implicated in the alleged commission of offence and false seizure has been made. It is submitted that investigation is complete, charge sheet has been filed and the applicant is in jail since 23/10/2020. Therefore, looking to the maximum sentence which could be awarded in the alleged commission of offence, at this stage, the applicant may be granted bail.

4. On the other hand, learned State counsel opposes bail by submitting that the seizure of huge quantity of liquor in presence of independent witnesses makes out a *prima facie* case.

5. Taking into consideration the nature of allegations, material on record, delay, maximum sentence which could be awarded and that there is no ground to reject bail on the ground that the applicants are likely to abscond or tamper with the prosecution witnesses, I am inclined to grant bail to the applicants.

6. Accordingly, both the applications are allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the Trial Court on the condition that -

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

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge