

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8248 of 2020**

1. Narendra Vishwakarma S/o Shri Dwarka Prasad Aged About 22 Years R/o Village- Raheena, Vaishali Nagar Thana- Pachpawli, Distt. Nagpur, Maharashtra.
2. Kamlesh Dhote S/o Shri Dayaram Aged About 26 Years R/o Village- Raheena Bahadura, Thana- Kharbi, Distt.- Nagpur, Maharashtra.
3. Anjor Das S/o Shri Goverdhan Das Aged About 43 Years R/o Village Rasibhatha Ward No. 50, Police Outpost- Padnabhpur, Distt.- Durg, Chhattisgarh.

---- Applicants**Versus**

- The State Of Chhattisgarh, Through : Station House Officer Of Police Station Mahasamund Distt. Mahasamund, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sunil Sahu, Adv.
For Respondent/State	:	Mr. Samir Uraon, G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/03/2021**

1. The accused/applicants have moved this first bail application under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 588/2020 registered at Police Station-Mahasamund, District- Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. It is the case of the prosecution that, on 29.10.2020 the police officers received a secret information from the informant with the averment that a huge quantity of Madhya- Pradesh State manufactured liquor is transported from the way of Nagpur to Rajnandgaon, Raipur and Mahasamund,

therefore, police stopped the Hundai Sold Car white colour and seized 135 bulk liters of Goa liquor and after some time one Matador has been stopped in which 540 bulk liters liquor was seized and a joint case for 675 bulk liter has been made, and the applicants were arrested and offence has been registered.

3. Learned counsel for the applicants submits that the applicant has been falsely implicated in the crime in question. He further submits that on the date of incident the applicants were going to Orissa for visit and on the way they have taken the lift from the Matador driven and owned by co-accused Raju Singh. He next submits that the co-accused has already been granted bail in MCRC No. 8254/2020 by co-ordinate bench. He also submits that the applicants are in custody since 29.10.2020 and the trial is likely to take some time for its final disposal, he may be released on bail.
4. On the other hand, counsel for the State opposes the bail application and submits that the applicants were carrying liquor more than commercial quantity, therefore, the applicants may not be released on bail.
5. Taking into consideration the condition incorporated in Section 59-A(ii) of the C.G. Excise Act, 1915, and bearing in mind the principles of law laid down in **Banti Singh v. State of Chhattisgarh** (M.Cr.C. No.6846 of 2014), decided on 05.01.2015), if the facts of present case are examined, it is apparent that only 675 bulk liters of illicit liquor has been seized from them which is more than prescribed limit of 5 bulk liters, but looking to the fact that the applicants are in

custody since 29.10.2020, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicants that he has falsely been implicated in case, and the co-accused has already been granted bail, I am of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

6. Accordingly, the application is allowed. It is directed that on furnishing a personal bond in the sum of Rs. 50,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed, the applicants shall be released on bail, subject to following conditions:
7. That, the applicants shall furnish a specific, undertaking that while on bail, they shall not commit any excise offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
8. 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.
9. That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

**Sd/-
(Rajani Dubey)
Judge**