

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8683 of 2021**

1. Naresh Diwakar, S/o Malikram, aged about 32 years,
2. Sandeep Kumar, S/o Dharamdas, aged about 27 years,
3. Rajesh Miri, S/o Amrit Prasad, aged about 19 years,

All R/o Village Shantipur (Dhuma), P.S. Takhatpur, District Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through the Station House Officer, P.S. Kota, District Bilaspur (C.G.)

----Non-applicant

For Applicants	:	Mr. Manoj Kumar Jaiswal, Advocate.
For Non-applicant	:	Ms. Anjali Singh Chouhan, Panel Lawyer.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board**

15-11-2021

- (1) As per applicants, this is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no other bail application is pending before any other Court.
- (2) The applicants have been arrested in connection with Crime No. 680/2021 registered at Police Station Kota, District – Bilaspur (C.G.) for the commission of offence punishable under Sections 34(1) & 34(2) of C.G. Excise Act.
- (3) Case of the prosecution, in brief, is that 40 bulk liters of illicit handmade liquor (*Mahuwa*) was seized by the police from the joint possession of the applicants on 24.9.2021 and thereby committed the aforesaid offences.
- (4) Counsel for the applicants submits that applicants have been falsely implicated in the

crime in question as they have not committed the alleged crime. He further submits that applicants have been arrested on 24.09.2021 and conclusion of trial is likely to take long time, therefore, the applicants may be released on bail.

(5) Per contra, the State counsel opposes the bail application filed by the applicants. She further submits that there is one criminal antecedent against applicant No. 3- Rajesh Miri whereas there is no previous criminal antecedents against the applicants No. 1 & 2 namely Naresh Diwakar & Sandeep Kumar, respectively.

(6) I have heard learned counsel for the parties and perused the case diary as well as material available on record.

(7) Looking to the entire facts and circumstances of the case, quantity of the liquor seized from the joint possession of the applicants and detention period of the applicants, I feel inclined to allow the bail application. It is directed that if the applicants furnish one solvent surety for a sum of Rs.25,000/- along with one personal bond in the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

Sd/-
(N.K.Chandravanshi)
Judge

D/-

