

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRC No. 8613 of 2021**

1. Ravindra Kanhaiya Lal Yede S/o Kanhaiya Lal Yede, aged about 43 Years R/o Village - Halbitola, Post / Tehsil Salekasa. District - Gondiya (Maharastra).
2. Goldi Karnail Singh Bhatiya S/o Karnail Singh Bhatiya, aged about 21 Years R/o Village - Aamgaonkhurd, Post / Tehsil Salekasa, District - Godiya (Maharastra).
3. Shailesh Ravindra Yade S/o Ravindra Yede, aged about 18 Years R/o Village - Halbitola, Post / Tehsil Salekasa District - Gondiya (Maharastra)
4. Sumit Dhanesh Shende S/o Ganesh Shende, aged about 19 Years R/o Village - Salekasa, Post / Tehsil Salekasa District - Gondiya (Maharastra)

(Note - Salekasa Is Wrongly Mentioned as Salhekasa In Cause Title of the Order dated 30.09.2021 of the learned Court below, since corrected in this cause title)

-----Applicants

VERSUS

- State of Chhattisgarh through: Excise Circle Dongargaon, District Rajnandgaon, Chhattisgarh

-----Non-applicant

For Applicant	: Dr. Shivkumar Shrivastava, Advocate
For Non-applicant/State	: Ms. Shubha Shrivastava, P. L.

Single Bench: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER****15/12/2021**

1. Applicants have filed this application under Section 439 of CrPC for grant of regular bail as they have been arrested in connection with Crime No. 20/2021 registered at Police Station Excise Circle, Dongargaon, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2), 36, 59(A) of Chhattisgarh Excise Act.
2. Case of prosecution is, that on 24.09.2021, officials of Excise Department, Dongargaon received secret information that some persons are transporting illicit liquor manufactured at Maharashtra to Chhattisgarh in a Maruti Car bearing registration No. MH34AA7333. Based on the information, officials of Excise

Department intercepted the car near *Bagh* river in between Chirchiri to Charbhata, during course of search, seized 129.60 bulk liters of country made liquor manufactured at Maharashtra. Based upon the seizure of illegal liquor aforementioned crime is registered against applicants and they were arrested on 24.09.2021.

3. Dr. Shiv Kumar Shrivastava, learned counsel for the applicants would submit that applicants have been falsely implicated in the crime, they have not committed any offence as alleged against them. He further submitted that applicants No. 2 to 4 are young boys of tender age and there are no other criminal antecedents against them, hence, they may be enlarged on bail.
4. Ms. Shubha Shrivastava, learned State counsel, while opposing the submissions made by the learned counsel for the applicants, would submit that during course of search huge quantity of 129.60 bulk liters of liquor manufactured at Maharashtra was seized from possession of applicants, hence, they are not entitled for grant of bail. However, upon putting specific question with regard to criminal antecedents of applicants, after going through case diary, she submitted that there are no criminal antecedents mentioned against applicants in case diary. But as per the covering memo filed by applicant, one criminal antecedent against applicant No. 1 under Section 65(E) and 77(A) of Maharashtra Prohibition Act, 1949, bearing crime number 177/2020 is registered at police station Salhekasa, district Gondiya, Maharashtra and case is fixed for recording of evidence.
5. I have heard learned counsel for the parties.
6. Taking into consideration, facts and circumstances of the case, nature of allegations, particularly, considering that applicant No. 1 is facing trial for commission of similar nature of offence under Section 65(E) and 77(A) of Maharashtra Prohibition Act, 1949 which also relates to illegal possession of liquor, I do not find it fit to enlarge applicant No. 1 on bail.
7. Considering the submissions of learned counsel for the parties that there are no criminal antecedents against applicant No. 2 to 4, their tender age to be 21 years, 18 years and 19 years, detention period, offence to be triable by Magistrate, without

commenting anything on merits, I am inclined to enlarge applicants No. 2 to 4 on bail.

8. Accordingly, the bail application is allowed in the above terms.
9. It is directed that the **applicant No. 2 to 4** ie. **Goldi Karnail Singh Bhatiya; Shailesh Ravindra Yede; and Sumit Dhanesh Shende** shall be released on regular bail, upon furnishing a bail bond in the sum of Rs. 50,000/- each with one surety in the like sum to the satisfaction of the Court on the conditions that-
 - a) Applicants shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) The applicants shall not, in any manner, tamper with the prosecution witnesses.
 - c) If the applicants are found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge