

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2324 of 2020

1. Shailendra Anant S/o Ramji Anant, Aged About 32 Years R/o Village Sonbandha, P.S. Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Nilam Kumar, S/o Santosh Dinkar, Aged About 28 Years R/o Village Sonbandha, P.S. Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through P.S. Takhatpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicants	:	Shri Gary Mukhopadhyay, Advocate
For State	:	Shri Ghanshyam Patel, Govt. Advocate

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

Order On Board

30/04/2020

Heard.

1. The applicants have been arrested in connection with Crime No.105 of 2020 registered at Police Station- Takhatpur, District- Bilaspur (CG) for alleged commission of offence under Sections 34 (2) & 59 (a) of the C.G. Excise Act.
2. Case of the prosecution, in brief, is that from possession of the applicants, 20 bulk litres illicit country made liquor was seized.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated. The applicants are in jail since 16.4.2020 and looking to the nature of allegation, further custodial interrogation may not be necessary. Therefore, the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the application. He submits that presently, the investigation is going on and charge sheet has not been filed so far, therefore, at this stage, the applicants may not be released on bail.
5. Taking into consideration that the applicants are in jail since 16.4.2020, the quantity of liquor involved in the case and further considering the submission that custodial interrogation may no longer be necessary, the application is allowed.
6. It is directed that the applicants shall be released on bail on each of them 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 applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge