

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5284 of 2020**

Pushpraj Singh, Son of Late Ram Kumar Singh, Aged about 32 years,
Resident of Village – Nawagaonkala, P.S. - Dhadhi, District – Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through – P.S. - Dhadhi, District – Bemetara (C.G.)

----Non-applicant

For Applicant	: Mr. Manish Nigam, Advocate.
For Non-applicant/State	: Mr. Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/08/2020**

(1) Proceedings of this matter have been taken taken up through video conferencing.

(2) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 84/2020 registered at Police Station Dhadhi, District : Bemetara (C.G.) for the offence punishable under Section 34(2) of the CG Excise Act.

(3) Case of the prosecution, in brief, is that 127.800 bulk liters of illicit liquor was recovered from the possession of co-accused Mohan Kurre and present applicant is also involved in the said commission of offence.

(4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question as nothing has been seized from the possession of the applicant and 127.800 bulk liters of illicit liquor was recovered from the exclusive possession of co-accused Mohan Kurre. He further submits that applicant has been arrested on 20.07.2020 and as the trial is likely to take time for its final disposal, he may be released on bail.

(5) On the other hand, learned counsel for the State opposes the bail application.

(6) I have heard the counsel appearing for the parties and perused the case diary.

(7) 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 127.800 bulk liters of illicit liquor has been seized from the possession of co-accused- Mohan Kurre, which is more than the prescribed limit and nothing has been seized from the possession of the applicant, and looking to the fact that the applicant has been arrested on 20.07.2020, case is triable by Judicial Magistrate First Class, trial is likely to take some more time and further taking into account the nature and gravity of offence and plea raised by the applicant that he has falsely been implicated in case as he is not involved in the commission of offence, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

(8) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his

appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required and the accused/applicant 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 him/her from disclosing such facts to the Court or to any police officer.
- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

