

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4355 of 2015

1. Arun Pandey, S/o Rajendra Pandey, aged about 40 years, R/o Village Kotadehra, P.S. Paraisa, District Gaya (Bihar)
2. Pankaj Pandey, S/o Rameshwar Pandey, aged about 38 years, R/o Village Kataiha, P.S. Dev, District Aurangabad (Bihar)
3. Rajan Singh, S/o Rampukar Singh, aged about 24 years, R/o Village Sori, P.S. Mali, District Aurangabad (Bihar)
4. Baikunth Barar, S/o Shyam Sunder Barar, aged about 24 years, R/o Village Merifrur, P.S. Mahanga, District Katak (Orissa)

All are presently residing at Gurur, Police Station Gurur, Tahsil Gurur, Civil and Revenue District Balod (C.G.)

---- Applicants

Versus

State of Chhattisgarh, Through Excise Department, Dhamtari, District Dhamtari (C.G.)

---- Non-applicant

For Applicants:	Mr. B.P. Singh, Advocate.
For Non-applicant:	Mr. Neeraj Pradhan, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/09/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.213/2015, registered at Police Station: Excise Department, Dhamtari, Distt. Dhamtari, for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915.
2. Case of the prosecution, in brief, is that 51.840 bulk litres of illicit liquor was seized by the police from the possession of the applicants.
3. Learned counsel for the applicants submits that the applicants have not

committed any offence, they have falsely been implicated in the case, they are in custody since 7-8-2015, charge-sheet is yet to be filed and, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that 51.840 bulk litres of illicit liquor has been recovered jointly from the possession of the applicants as such, they are not entitled to be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and it is alleged that the said liquor i.e. 51.840 bulk litres is said to have been recovered from the joint possession of four accused persons, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge