

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6869 of 2015

1. Suresh Yadav, S/o. Ram Prasad Yadav, aged about 40 years, R/o. Lokoset Para, Post – Puruliva, District – Puruliva (West Bengal) at present Pragati Hotel, Jashpur, Tahsil and District – Jashpur (C.G.)
2. Roshan Gupta, S/o. Late Nandlal Gupta, aged about 50 years, Caste-Rauniyar, R/o. College Road, Jashpur, Police Station – Jashpur, District – Jashpur (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through: Station House Officer, Police Station – Jashpur, District – Jashpur (C.G.)

---- Respondent

For Applicants : Mr. J.K. Saxena, Advocate

For Respondent : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.302/2015 registered at Police Station- Jashpur, District – Jashpur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in joint possession of illicit liquor measuring about 9.650 liters and they were arrested on 31.10.2015 and 01.11.2015.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and seizure was made only from the applicant No.1, Suresh Yadav and the applicant No.2, Roshan Gupta has falsely implicated in this case. He would further submit that the applicants are in jail since 31.10.2015 & 01.11.2015; therefore,

they may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicants have no previous antecedents of similar offence.
5. I have perused the case diary. Perusal of the case diary prima-facie shows that seizure is from Suresh Yadav, the applicant No.1. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9.650 bulk liters; offence is triable by the JMFC and the applicants are in jail since 31.10.2015 & 01.11.2015, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. It is made clear that if the applicants are found to be involved in similar offence again, this order granting bail to the applicants shall automatically stand canceled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicants in this case also, after informing the concerned Judicial Magistrate where trial is pending.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge