

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7210 of 2015

1. Babbu Ram @ Lala S/o. Salikram, Aged about 24 years,
 2. Rajaram S/o. Rama Kewat, Aged about 25 Years,
- Both are resident of Village Machkhanda, Police Station Seepat, District Bilaspur (C.G.)

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station Seepat, District Bilaspur (C.G.)

---- Respondent

For Applicants	:-	Ms. Minu Banerjee, Advocate
For Respondent/ State	:-	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/12/2015

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. 288/2015 registered at Police Station- Seepat, District Bilaspur (C.G.) for the offence punishable under Section 34(1)(A), 34(2) of the C.G. Excise Act.
2. Case of the prosecution in brief, is that the raid was being conducted on 22.11.2015 and from the possession of applicants 27 liters illicit country made liquor was seized and they were arrested on 22.11.2015.
3. Learned counsel for the applicants submit that the applicants have falsely been implicated in this case and the seizure was not made in person from the applicants and they are in jail since 22.11.2015, therefore, they may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail of applicant No.1 (Babbu Ram) and submits that in the year 2015 itself one crime bearing No. 133/2015 was already registered under the Excise Act which is still pending against the applicant No.1. He further submits so far as the applicant No.2 (Rajaram) there is no past record of the applicant No.2 (Rajaram).
5. Considering the total facts and circumstances of the case and also the past records of applicant No. 1 (Babbu Ram), I am of the opinion that the applicant No. 1(Babbu Ram) is not entitled for grant of bail. Accordingly, the application for grant of bail in respect of applicant No. 1 namely (Babbu Ram) is rejected.
6. However, considering the fact that there is no past antecedent against applicant No.2, I am of the opinion that the applicant No.2 (Rajaram) can be released on bail. Accordingly, the application for bail in respect of applicant No.2 (Rajaram) is allowed.
7. It is directed that if applicant No.2 Rajaram furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. The applicant No.2(Rajaram) is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge