

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6455 of 2015

1. Jagannath Soni S/o Shri Nandkumar Soni Aged About 44 Years Caste - Sonar, R/o Village - Khuntapara Ward No.01, Dongergarh Post, P. S. And Tahsil - Dongergarh, Civil And Revenue District - Rajnandgaon (Chhattisgarh).
2. Dashrath Nirmalkar S/o Lt. Ayodhya Prasad Nirmalkar, Aged About 47 Years Caste - Dhobi, R/o Village - Khuntapara Ward No.01, Dongergarh Post, P. S. And Tahsil - Dongergarh, Civil And Revenue District - Rajnandgaon (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh Through : P. S. - Dongargarh, District - Rajnandgaon (Chhattisgarh).

---- Respondent

For Applicants	:-	Shri Yogesh Pandey, Advocate
For Respondent/ State	:-	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

30/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 509/2015 registered at Police Station- Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 36 bulk liters and they were arrested on 31.10.2015.
3. Learned counsel for the applicants submit that the applicants have falsely been implicated in this case and they are in jail since 31.10.2015 ; 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. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 36 bulk liters ; offence is triable by the JMFC and the applicants are in jail since 31.10.2015, 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 is 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