

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6576 of 2015

1. Alindra Kumar Yadav S/o Ugrah Yadav Aged About 26 Years R/o Harnahi Police Station Obra, Distt. Aurangabad,(Bihar) Presnt R/o Country Liquor Shop, Lingiyadih, Police Station Sarkanda, Distt. Bilaspur, Chhattisgarh.
2. Sujit Kumar Singh S/o Lakhan Dev Singh Aged About 26 Years R/o Rabra, Post Ratlam, P.S. Pandu, Distt. Palamu, (Jhharkhand) Present R/o Country Liquor Shop, Lingiyadih, P.S. Sarkanda, Distt. Bilaspur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Officer-In-Charge, P.S. Sarkanda,
Revenue And Civil Distt. Bilaspur, Chhattisgarh.

---- Respondent

For Applicants	:-	Shri Mahendra Dubey, Advocate
For Respondent/ State	:-	Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

02/12/2015

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. 584/2015 registered at Police Station- Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 34(1) (2) 59 (A) of the C.G. Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 18.000 bulk liters and he was arrested on 12.11.2015.
3. Learned counsel for the applicants submit that the applicants have falsely been implicated in this case and they are in jail since 12.11.2015; 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. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 18.000 bulk liters; offence is triable by the JMFC and the applicants are in jail since 12.11.2015; 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 his appearance as and when directed.
8. It is made clear that if the applicants is 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