

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. No. 1449 /2016

1. Ram Charan Baran, (wrongly mention in order sheet Ram Charn Singh) S/o. Kamal Singh Rawat, Aged About 30 Years,

2. Sheru Vatam @ Sher Singh, S/o. Kamlu,

Both were R/o. Prakadsh Vah-Pakadhiya Dhaba, R.N.M.- Jarouda (wrongly mention in the order sheet - instead of Rani - Jahoud), P.S. - Suhela, District - Baloda Bazar – Bhatapara, Chhattisgarh .

---- Applicants

Versus

State Of Chhattisgarh, Through : S.H.O. Suhela, Distt. Baloda Bazar – Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.03.2016

1. This is the second bail application. The first bail application was dismissed as withdrawn on 27.01.2016 with liberty to repeat after filing of the charge sheet. Learned counsel for the applicants submits that now the charge sheet has been filed and therefore the second bail application.
2. The instant second bail application is 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.155/2015 registered at Police Station– Suhela, District Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.

3. Case of the prosecution, in brief, is that 11.12.2015 on a raid being made, 83.7 liters of illegal country made liquor was seized from the possession of the applicants.
4. Learned counsel for the applicants submits that the seizure where from made, it was not in possession of the applicants and therefore they were not in conscious possession. He further submits that the charge sheet has been filed and no further evidence is required, therefore, considering the fact that the applicants are in jail since 11.12.2015 they may be enlarged on bail.
5. Per contra, learned State counsel opposes the prayer for grant of bail.
6. Perused the charge sheet filed in this case. Taking into fact that the seizure has already been made, the charge sheet has been filed, the offence is triable by the JMFC and the applicants are in jail since 11.12.2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge