

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2595 OF 2016

1. Mahesh Tarak S/o Sukhram Tarak, aged about 37 years
 2. Chait Ram Sahu, S/o Late Sukhdev Sahu, aged about 60 years
- Both R/o Village Pragati Chowk, Kopra, Police Station: Panduka,
District: Gariyaband (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station-
Panduka, District Gariyaband (C.G.)

... Non-applicant

For Applicants	:	Mr. C.R. Sahu, Advocate.
For Non-applicant/State	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to Applicants who are in jail since 9.1.2016 in connection with Crime No. 08/2016 registered at Police Station Panduka, District Gariyaband, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution, on search being made, total 9 bulk liters of country made liquor was seized from the unlawful possession of the Applicants on 9.1.2016 and therefore they have been charged with the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and have been arrested on 9.1.2016 itself.
3. Learned counsel for Applicants submits that the Applicants are innocent, they have been falsely implicated in the instant case and no liquor has been seized from their absolute possession. He further submits that there is no criminal antecedent against the Applicants and the Applicants are in judicial custody since 9.1.2016 and therefore taking into

consideration all these facts, their case may be considered for grant of bail.

4. Opposing the bail application, learned counsel for the State submits that the Applicants were found to be in unlawful possession of 9 bulk liters of country made liquor and therefore their case may not be considered for granting bail.

5. Taking into consideration the quantity of liquor seized i.e. 9 bulk liters, this Court is of the view that it is a fit case where the Applicants can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that in case each of the Applicants furnishes a personal bond for a sum of **Rs. 20,000/- with one surety** of the like amount to the satisfaction of the concerned Trial Court then they shall be released on bail on the following further conditions:-

(i) that the Applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(ii) that the Applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iii) that the Applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(P. Sam Koshy)
V. Judge