

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No.2760 of 2016**

1. Daddu Nishad son of Budharu Nishad, aged about 30 years.

2. Prakash Dhiwar son of Hemlal Dhiwar, aged about 24 years,

Both are resident of village Ward No.8, Nayapara, Mahasamund,  
Thana/Tehsil/District, Mahasamund (CG).

**Applicants**

**Versus**

State of Chhattisgarh through Station House Officer, Police Station, Mahasamund,  
District Mahasamund (CG).

**Respondent**

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For Applicant : Shri Vikas Pradhan, Advocate.

For Respondent : Shri Adhiraj Surana, Deputy Govt. Advocate.

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**07.06.2016**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No.162/2016 registered at Police Station City Kotwali, Mahasamund, District Mahasamund, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 27 bulk liters of illicit liquor was seized by the police from the present applicants.
3. Learned counsel for the applicants submits that the applicants are in detention since 23.04.2016. He further submits that applicants have no criminal background and have been falsely implicated in the case, and therefore, the

applicants may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the counsel appearing for the parties.
6. Without commenting on merits, considering the totality of the facts and circumstances of the case, small quantity of liquor and also considering the fact that the applicants are in detention since 23.04.2016, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicants namely Daddu Nishad and Prakash Dhiwar shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-  
(P. Sam Koshy)  
**V. JUDGE**

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