

HIGH COURT OF CHHATTISGARH, BILASPUR**Miscellaneous Criminal Case No.2890 of 2016**

1. Amardas, son of Balaram Kurre, aged about 30 years, R/o Village Limtara, Thana Simga, District Baloda Bazar – Bhatapara, Chhattisgarh
2. Mahadev Nishad, son of Chandu Nishad, aged about 28 years, R/o Village Tarpongi, Thana Nandghat, District Bemetara, Chhattisgarh

---- Applicants**versus**

State of Chhattisgarh through Police Station Nandghat, Revenue District Bemetara, Chhattisgarh

---- Respondent

For Applicants	:	Shri Samir Singh, Advocate
For State/Respondent	:	Shri Adhiraj Surana, Deputy Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****9/6/2016**

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicants, who have been arrested in connection with Crime No.135 of 2016 registered at Police Station Nandghat, District Bemetara (Chhattisgarh) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 17.280 bulk litres of illicit liquor was seized by the police from the present Applicants.
3. Learned Counsel for the Applicants submits that the present Applicants were found in possession of 17.280 bulk litres of illicit liquor. He further submits that the Applicants are in jail since 26.4.2016. They have no criminal antecedents and have been falsely implicated in the case and, therefore, they may be released on bail.

4. On the other hand, Learned Counsel for the State opposes the bail application.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, quantity of the liquor seized and also considering the fact that the Applicants are in jail since 26.4.2016 and that the present is the first offence committed by the Applicants, this Court is of the opinion that the present is a fit case in which the Applicants could be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the trial Court and for their appearance before the said Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge