

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3227 of 2016

1. Shivkumar Bhoi, S/o Tilekram Bhoi, Aged About 25 Years, R/o Village Jhagrendih, Thana - Sankara, Tahsil - Pithora, District Mahasamund Chhattisgarh.
2. Tilakram Bhoi, S/o father name not mention in cause title, Aged About 55 Years, R/o Village Jhagrendih, Thana - Sankara, Tahsil - Pithora, District Mahasamund Chhattisgarh.

---- Applicants

Versus

State of Chhattisgarh Through Station House Officer, Police Station Sankra, District - Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Mr. Vikash Pradhan, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

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. 52/2016 registered at Police Station- Sankra, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 18 bulk liters and they were arrested on 01.05.2016.
3. Learned counsel for the applicants submit that the applicants have falsely been implicated in this case and the applicants are in jail since

01.05.2016, 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 bulk liters; offence is triable by the JMFC and the applicants are in jail since 01.05.2016, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant 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 their appearance as and when directed.

Sd/-

(Goutam Bhaduri)
Judge