

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 3425 of 2016

1. Bholu Ram Sahu, son of Videshi Sahu, aged about 19 years, R/o. Village Jamrao, P.S. Amleshwar, District Durg (C.G.)
2. Suraj Thakur, son of Hemant Thakur, aged about 19 years, R/o. Village Ghughwa, P.S. Amleshwar, District Durg (C.G.)

---- Applicants

Versus

State Of Chhattisgarh Through: The District Magistrate,
Durg (C.G.)

---- Non-applicant

For Applicants: Mr. Jitendra Gupta, Advocate.
For Non-applicant/State: Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09/06/2016

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicants who are in jail since 18.03.2016 in connection with Crime No. 33/2016 registered at Police Station-Amleshwar, District Durg (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

(2) Case of the prosecution, in brief, is that the applicants were found in possession of 6.840 bulk liters of illicit liquor and thereby committed the aforesaid offence.

(3) Learned counsel for the applicants submits that the applicants are innocent, they have been falsely implicated in the instant case and no liquor has been seized from their lawful possession. He further submit that the applicants are in judicial custody since 18.03.2016 and this is the first time where the applicants have been implicated under the Excise Act and therefore taking into consideration all these facts they may be enlarged on bail.

(4) Opposing the bail application, learned counsel for the State submits that the applicants were found to be in unlawful possession of 6.840 bulk liters of illicit liquor and therefore they are not entitled to be released on bail.

(5) Without commenting on merits, considering the totality of the facts & circumstances of the case and also considering the fact that the applicants are languishing in jail since 18.03.2016 and considering the quantity of liquor, this Court is of the opinion that the present is a fit case where the applicants can be enlarged on bail.

(6) Accordingly, the application for grant of bail is allowed. It is directed that the applicants shall be released on bail on their

furnishing a personal bond for a sum of Rs.20,000/- each with one surety each of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Certified copy, as per rules.

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

D/-