

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3634 of 2016

1. Kunal Patnayak @ Rahul, S/o Sanjay Patnayak, Aged About 20 Years, R/o Shaksharta Chowk, Shashtriya Nagar Bhilai, Tehsil & District Durg Chhattisgarh
2. Abhilash Pandey, S/o Ajeet Pandey, Aged About 21 Years, R/o Panchsheel Nagar, West Charoda Bhilai, Tehsil & District Durg Chhattisgarh
3. Arun Kumar Yadav, S/o B. R. Yadav, Aged About 20 Years, R/o Rail Nagar Qu. 77 D, Bhilai, Tehsil & District Durg Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through : S. H. O. Police Station Kumhari
District Durg Chhattisgarh

---- Respondent

For Applicants : Mr. Avinash Chand Sahu, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/07/2016

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. 151/2016 registered at Police Station- Kumhari, District- Durg (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that the applicants was found to be in possession of illicit liquor measuring about 13.5 bulk liters and they were arrested on 08.06.2016.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and the applicants are in jail since 08.06.2016, 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 13.5 bulk liters; offence is triable by the JMFC and the applicants are in jail since 08.06.2016, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge