

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4094 of 2016

1. Khirodra, S/o Reshamlal Diwan Aged About 35 Years, R/o Village - Kotendarha, Police Station - Saraipali, Tahsil - Basna, District - Mahasamund Chhattisgarh
2. Amrit, S/o Devnath Chauhan, Aged About 24 Years, R/o Village Bijrabhatha Police Station - Saraipali, Tahsil - Basna, District - Mahasamund Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh Through : Station House Officer, Police Station
Saraipali, District - Mahasamund Chhattisgarh

---- Respondent

For Applicants : Mr. Vikash Pradhan, Advocate
For Respondent/State : Ms. Shobha Kashyap, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26 /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. 189/2016 registered at – Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid was conducted by Police, the applicants were found to be in possession of illicit liquor of about

7.380 bulk liters which was allegedly recovered from them.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 12.06.2016, 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, earlier no case under section 34(2) of Chhattisgarh Excise Act is registered.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7.380 bulk liters; offence is triable by the JMFC and the applicants are in jail since 12.06.2016, 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 each of them 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