

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4262 of 2016

1. Bahur Singh, S/o Karmu Nayak Aged About 36 Years, R/o Village Lilesar, Chowki Bundeli, Thana - Tendukona, Tahsil - Pithora, District Mahasamund Chhattisgarh.
2. Narsingh, S/o Aadi Nayak Aged About 48 Years R/o Village Sandi, Thana Jharband, District Bargad (Oddisa).

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tendukona, Chowki - Bundeli, District Mahasamund Chhattisgarh.

For Applicants : Shri Vikas Pradhan, Advocate

For Non-applicant/State : Shri Vivek Singhal, PL

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.08.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.72 of 2016 registered at Police Station Chowki-Bundeli, Tendukona, District-Mahasamund, CG for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act.
- 2) As per prosecution case, when a raid was conducted by the police party, the applicants were found in possession of illicit liquor measuring about 26.640 bulk liters, the same was seized from them and thereby the aforesaid offence was committed.
- 3) Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, no recovery of liquor is made out from the exclusive possession of the applicants, they are in jail since

24.06.2006, charge-sheet in this case has been filed and no further investigation is required, therefore, they may be released on bail.

- 4) On the other hand, learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, applicant- 2 has no previous antecedents of similar offence, whereas, Crime No.41 of 2016 under Section 34 of the Chhattisgarh Excise Act has also been registered against applicant- 1.
- 5) I have heard learned counsel for the parties and have also perused the case diary and the documents.
- 6) Taking into consideration the totality of the circumstances, considering that still there is a case pending against applicant- 1, I am not inclined to release applicant- 1 Bahur Singh on bail. However, in respect of applicant- 2 Narsingh, taking into consideration the quantity of seized liquor, i.e 26.640 bulk liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the said applicant is in jail since 24.06.2016, this Court is inclined to release applicant- 2 Narsingh on bail.
- 7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed in respect of applicant- 2 **Narsingh** and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.
- 8) Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
JUDGE