

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4779 of 2016

1. Bedram Yadav S/O Chhedan Yadav Aged About 28 Years R/O Village Bhimbhouri, Police Chouki-Kandarka, Thana - Berla, Distt. Bemetara Chhattisgarh.
2. Mahaveer Dhimar S/O Ghasiram Dhimar Aged About 30 Years R/O Village Bhimbhouri, Police Chouki-Kandarka, Thana - Berla, Distt. Bemetara Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Chouki Kandarka, Police Station Berla, Distt. Bemetara Chhattisgarh.

---- Respondent

For Applicants : Mr. Sameer Singh, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22-08.2016

1. This is 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 on 18-07-2016 in connection with Crime No. 179 of 2016, registered at Police Station Berla, District Bemetara (CG) for the offence punishable under Sections 34(2) of the 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 27 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, they are in

jail since 18-07-2016, 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, the applicants have no previous antecedents of similar offence.
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 and the fact that the quantity of seized liquor is 27 liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicants are in jail since 18-07-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Raju