

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2882 OF 2016

1. Rajendra Patel, aged about 45 years, S/o Bhikam Patel,
2. Nand Kumar Nishad, aged about 36 years, S/o Shri Babu Lal Nishad,
Both R/o Village Bharregaon, Tahsil & District Rajnandgaon (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Police Station Somni, District Rajnandgaon (C.G.)

... Non-applicant

For Applicant	:	Mr. Abhishek Sharma, Advocate.
For Non-applicant/State	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to the Applicants who are in jail since 29.4.2016 in connection with Crime No. 68/2016 registered at Police Station- Somni, District Rajnandgaon, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution, on search being made, total 8.640 bulk liters of country made liquor was seized from unlawful possession of the Applicants on 29.4.2016 and therefore they have been charged with the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and have been arrested on 29.4.2016 itself.
3. Learned Counsel for Applicants submits that the Applicants are innocent, they have been falsely implicated in the instant case and no liquor has been seized from their absolute possession. He further submits that the Applicants are in judicial custody since 29.4.2016 and that 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 8.640 bulk liters of liquor and therefore they may not be enlarged on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case, the quantity of liquor seized and also considering the fact that the Applicants are in detention since 29.4.2016, 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.

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