

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4524 of 2016**

1. Hukum, S/o. Rajulal Sahu, Aged About 23 Years,
2. Narendra Kumar, S/o. Salikram Sahu, Aged About 22 Years.

Both are R/o. Budhwaripara, Ward No. 15, P.S. and Tahsil Dongargarh, Distt. Rajnandgaon Chhattisgarh.

**---- Applicants**

**Versus**

State of Chhattisgarh, Through - Station House Officer, Police Station Excise Circle Dongargarh, Distt. Rajnandgaon Chhattisgarh.

**--- Respondent**

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For Applicants : Smt. Indira Tripathi, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**16/08/2016**

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. 72/2016 registered at – Police Station – Excise Circle Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 9 bulk liters and they were arrested on 11.07.2016.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and the applicant are in jail since 11.07.2016, 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 9 bulk liters; offence is triable by the JMFC and the applicants are in jail since 11.07.2016, 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.

**Sd/-**  
**(Goutam Bhaduri)**  
**Judge**