

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4954 of 2016

Mahendra Giri @ Madhur Giri S/o Preetam Giri Aged About 28 Years
R/o Village Patharra Kotmikala, Police Station Pendra, District Bilaspur
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Stationn Pendra, District Bilaspur
Chhattisgarh.

---- Respondent

With

MCRC No. 4967 of 2016

Seema Gupta, W/o. Rakesh Gupta, Aged About 30 Years, R/o. Village
Patharra, Police Station & Tahsil Pendra, District Bilaspur,
Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Police Station Pendra, District Bilaspur,
Chhattisgarh.

---- Respondent

For Applicants	:-	Mr. Abhishek Pandey, Advocate
For Respondent/ State	:-	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

29/08/2016

1. These are two bail applications 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. 211/2016 registered at Police Station- Pendra, District – Bilaspur

(C.G.) for the offence punishable under Sections 34(1) , 34(2) and 59(A) of the Excise Act.

2. Since both these bail applications are arising out of the same crime number they are being disposed of by this common order.
3. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 16.440 liters and they were arrested on 19.07.2016.
4. Learned counsel for the applicants submit that the applicants have falsely been implicated in this case and the applicants are in jail since 19.07.2016, therefore, they may be released on bail.
5. 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.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 16.440 liters; offence is triable by the JMFC and the applicants are in jail since 19.07.2016, this Court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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