

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5759 of 2016**

1. Sondas Gaikwad & Anr. S/o Fattelal Gaikwad Aged About 41 Years R/o Village- Gidhouri, Police Station- Dharsinva, Tehsil & District- Raipur Chhattisgarh.
2. Pardeshiram Kurre S/o Shatrudhanlal Kurre Aged About 32 Years R/o Village Gidhouri, Police Station Dharsinva, Tehsil & District Raipur, Chhattisgarh.

---- Applicants**Versus**

- The State Of Chhattisgarh Through District Magistrate, P.S. Dharsinwa, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Vikram Singh, Advocate
For Respondent/State	:	Ms. Sunita Jain, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/09/2016**

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 in connection with Crime No.311/2016 registered at Police Station Dharsinva, Tehsil & District – Raipur (C.G.) for the offence punishable under Section 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 16.250 (65 quarters) bulk liters, the same was seized from him 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, challan has not been filed and they are in jail since 27.08.2016, 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 16.250 bulk liters, offence is triable by the JMFC and the applicant is in jail since 01.09.2016, 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 applicant shall be released on bail on each of their furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge