

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2840 of 2016

1. Amit Yadav, S/o. Rajesh Yadav, age 24 years, Occupation-Labour, R/o. Permanent Address – Murgivigha, P.S. - Kasma, Distt. Aurangabad, Bihar, presently R/o. Baramkela, Tahsil and District- Raigarh (C.G.)
2. Kamlesh Yadav, S/o. Dayaram Yadav, age – 28 years, R/o. Permanent Address : Aurangabad, Distt.- Aurangabad, Bihar. Presently R/o. Baramkela, Tahsil & District- Raigarh (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : Station House Officer, Baramkela, District – Raigarh (C.G.)

---- Respondent

For Applicants	:	Mr. Amit Sharma, Advocate
For Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

14/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 21/2016, registered at Police Station- Baramkela, District – Raigarh (C.G.) for the offence punishable under Section 34(A), (2) & 59 (2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 27 bulk liters and they were arrested on 22.03.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 22.03.2016; therefore, he 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 27 bulk liters; offence is triable by the JMFC and the applicants are in jail since 22.03.2016, 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge