

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2994 of 2016

1. Vakil Khande, S/o. Sipahi Lal Khande, Aged About 26 Years.
2. Seeta Ram Sevak, S/o. Late Birchha Ram, Aged About 35 Years.

Both R/o. Village Shinghari, P.S. Hirri, District Bilaspur (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through the District Magistrate, Bilaspur
(C.G.)

---- Respondent

For Applicants : Mr. Rishi Rahul Soni, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/06/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 04/2016 registered at Police Station- Hirri, District Bilaspur (C.G.) for the offence punishable under Section 34(2) & 59(A) of the Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit country made liquor measuring about 39 bulk liters and they were arrested on 07.04.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 07.04.2016; therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 39 bulk liters, offence is triable by the JMFC and the applicants are in jail since 07.04.2016, 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