

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3216 of 2016

1. Rajkumar Gandhi, S/o. Late Kishan Lal Gandhi, aged about 50 years,
2. Rajesh, S/o. Late Kishan Lal Gandhi, aged about 42 years,
3. Pawan Kumar Pandey, S/o. Kashi Prasad Pandey, aged about 38 years

All are R/o. Infront of Government School, Dayalband, Police Station City Kotwali, Bilaspur, District – Bilaspur (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : Station House Officer, Police of Police Station – City Kotwali, Bilaspur, District-Bilaspur (C.G.)

---- Respondent

For Applicants	:	Mr. U.K.S. Chandel, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

29/06/2016

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.178/2016, registered at Police Station- City Kotwali, Bilaspur, District – Bilaspur (C.G.) for the offence punishable under Section 3, 4 of Gambling Act, Section 34 (2) of the Chhattisgarh Excise Act and Section 25 of Arms Act.
2. The prosecution alleges that from the possession of the applicant No.1 illicit liquor measuring about 9 bulk liters, from the applicant No.2, 8.640 bulk liter and one Khukhari (knife) and from the applicant No.3 mobiles and some articles were recovered and they were arrested on 09.05.2016.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 09.05.2016; 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 from the applicant No.1 is about 9 bulk liters, from the applicant No.2, 8.640 bulk liter and from the applicant No.3 mobiles and some articles; offence is triable by the JMFC and the applicants are in jail since 09.05.2016, 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