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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No. 3434 of 2016**

1. Shravan, S/o Shyam Lal Harpal, aged about 20 years, R/o Village Khapradih, Police Station Simga, District – Baloda Bazaar – Bhatapara (C.G.)
2. Arun, S/o Dular Singh Baghel, aged about 21 years, R/o Village Khapradih, Police Station Simga, District – Baloda Bazaar – Bhatapara (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through: Excise Circle Simga,
District Baloda Bazaar- Bhatapara (C.G.)

---- Non-applicant

For Applicants: Mr. Jitendra Gupta, Advocate.
For Non-applicant/State: Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/06/2016**

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicants who are in jail since 27.05.2016 in connection with Crime No. 61/2016 registered at Police Station-Excise Circle Simga, District Baloda Bazaar-Bhatapara for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

(2) As per the prosecution, on search being made, total 8.640 bulk liters of liquor was seized from unlawful possession of the applicants on 27.05.2016 and therefore they have been charged with the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and have been arrested on 27.05.2016.

(3) Learned counsel for the applicants submits that the applicants are innocent, they have been falsely implicated in the instant case and no liquor has been seized from their lawful possession. He further submit that the applicants are in judicial custody since 27.05.2016 and this is the first time where the applicants have been implicated under the Excise Act and therefore taking into consideration all these facts they may be enlarged on bail.

(4) Opposing the bail application, learned counsel for the State submits that the applicants were found to be in unlawful possession of 8.640 bulk liters of illicit liquor and therefore they are not entitled to be released on bail.

(5) Without commenting on merits, considering the totality of the facts & circumstances of the case and also considering the fact that the applicants are languishing in jail since 27.05.2016 and considering the quantity of liquor, this Court is of the opinion that the present is a fit case where the applicants can be enlarged on bail.

(6) Accordingly, the application for grant of bail is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.20,000/- each with one surety each of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
V. Judge

D/-