

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 281 of 2016

1. Sunil Chaturvedi, S/o. Anil Chaturvedi, Aged About 25 Years,
2. Bisesar Gada, S/o. Shivo Gada, Aged About 25 Years,

Both are R/o. Near Haddi Godam, Salhewarpara, Dhamtari, Police
Station Dhamtari, Civil & Revenue District Dhamtari, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through the Police Station City Kotwali, Civil
& Revenue District Dhamtari, Chhattisgarh

---- Respondent

For Applicants : Mr. P.P.Sahu, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.01.2016

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.418/2015, registered at Police Station– City Kotwali, District Dhamtari (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on 15.12.2015 at about 9:30 p.m. two boys were carrying illicit liquor measuring 20.520 bulk liters in their motorcycle and when they were intercepted, they fled away. Subsequently, on the enquiry, it was found from the owner of the motorcycle that at the relevant time the applicants were in possession of the motorcycle and they were carrying the liquor.
3. Learned counsel for the applicants submits that the applicants have been wrongly inculpated in this case as they have not apprehended

on the spot and they were subsequently arrested only on the statement of the owner of the motorcycle. He further submits that the charge sheet has been filed and the applicants are in jail since 22.12.2015; therefore, they may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case; considering the quantity of seized liquor i.e. 20.520 bulk liters; offence is triable by the JMFC and the applicants are in jail since 22.12.2015, this Court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. It is made clear that if the applicants are found to be involved in similar offence again, this order granting bail to the applicants shall automatically stand canceled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicants in this case also, after informing the concerned Judicial Magistrate where trial is pending.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge