

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2557 of 2016

1. Rohit S/o Late Rajendra Prasad Gupta, aged about 25 years.
 2. Dhanpal S/o Late Radhe Kodaku, aged about 35 years.
- Both are Resident of village Kusumpara, Lurgi, PS Chalgali, District Balrampur, Chhattisgarh.

---- Applicants

versus

State of Chhattisgarh, Through Police Station Balrampur, District Balrampur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri V.K.Pandey, Advocate.
For Non-Applicant : Shri Anil Pandey, Government Advocate.

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

02/06/2016

1. The applicants have been arrested on 09.03.2016 in connection with Crime No. 25 of 2016 registered at Police Station, Balrampur, District Balrampur-Ramanujganj, for the alleged commission of offence under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that from the possession of the applicants, 52 bulk liters of country made liquor was seized for which the applicants failed to submit any document of valid possession.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated and a false seizure has been made. He further submits that they have been arrested on 09.03.2016 on the allegation of being illegally possessed of 52 bulk liters of country made liquor. The detention of the applicants is no longer necessary as the investigation is complete and charge sheet has already been filed. According to learned

counsel for the applicants, there are no criminal antecedents of the applicants, therefore they may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application submitting that there is likelihood of misusing the liberty. Therefore, the applicants are not entitled to grant of bail.

5. Having heard learned counsel for the parties, taking into consideration the totality of the circumstances and the quantity of liquor alleged to have been seized from the applicants and that they are in jail since 09.03.2016, and that further there are no allegation of previous antecedents of commission of similar offence, the application is allowed.

6. It is directed that the applicants shall be released on bail on furnishing a personal bond of Rs. 25,000/- each alongwith two local sureties for the like amount to the satisfaction of the trial court. They shall appear before the Court below on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge