

HIGH COURT OF CHHATTISGARH, BILASPUR

Miscellaneous Criminal Case No.2741 of 2016

1. Mohit Ram Sao, S/o Vishnu Sao, aged about 35 years
2. Ramlal Yadav, S/o Panchram Yadav, aged about 30 years,
3. Sudershan Morge, S/o Joseph Morge, aged about 45 years,

All appellants resident of Village Baratoli, Police Station Basna, District Mahasamund, Chhattisgarh

---- Applicants

versus

State of Chhattisgarh through Police Station – Excise Circle Basna, Basna, District Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Shri Ravi Kumar Bhagat, Advocate
For State/Respondent	:	Shri Niraj Jain, Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

6/6/2016

1. This is an application filed under Section 439 Cr.P.C. for grant of regular bail to the Applicants, who have been arrested in connection with Crime No.13 of 2016 registered at Police Station Excise Circle Basna, Basna, District Mahasamund (Chhattisgarh) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that more than 5 bulk litres of illicit liquor was seized by the police from the present Applicants.
3. Learned Counsel for the Applicants submits that the present Applicants were found in possession of more than 5 bulk litres of illicit liquor. He further submits that the Applicants are in jail since 26.4.2016. They have no criminal antecedents and have been falsely implicated in the case and, therefore, they may be released on bail.

4. On the other hand, Learned Counsel for the State opposes the bail application.

5. I have heard Learned Counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, quantity of the liquor seized and also considering the fact that the Applicants are in jail since 26.4.2016 and that the present is the first offence committed by the Applicants, this Court is of the opinion that the present is a fit case in which the Applicants should be enlarged on regular bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the Applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.20,000/- (Twenty Thousand) with two sureties in the like sum to the satisfaction of the concerned Court for their appearance before the said concerned Court as and when directed.

9. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge