

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2775 of 2016

1. Santkumar & Anr. S/O Tulsi Ram Halba Aged About 36 Years R/O Village Iragaon, P.S. Manpur, Civil & Revenue District Rajnandgaon, Chhattisgarh.
2. Kunjbihari S/O Shrivastava Halba Aged About 22 Years R/O Village Iragaon, P.S. Manpur, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through P.S. Daundilohara, Civil & Revenue District Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Mayank Chandrakar, Advocate

For Respondent/State : Mr. Law Sharma , Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/06/2016

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. 103/2016 registered at Police Station- Daundilohara District Balod (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 7.760 liters and they were arrested on 25.04.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 25.04.2016,

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 is 7.760 liters; offence is triable by the JMFC and the applicants are in jail since 25.04.2016, 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 applicant 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