

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3250 of 2016

1. Bablu Singh & Anr. S/O Shambhu Singh Rajput Aged About 34 Years R/O Sutarra Road, Bankimongra, Post & Thana Bankimongra, Revenue & Civil District Korba Chhattisgarh
2. Vijay Kumar S/O Santosh Kumar Gupta Aged About 27 Years R/O In Front Of Ramjanji Mandir, Korba, Thana City Kotwali Korba, Tehsil Korba, Revenue & Civil District Korba Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Officer - In - Charge, Police Station Urga, Revenue & Civil District - Korba Chhattisgarh

---- Respondent

For Applicant : Mr. Mahendra Dubey, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.07.2016

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 on 15-05-2016 in connection with Crime No. 115 of 2016, registered at Police Station Urga, Reveue and Civil District Korba (CG) 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 45 liters and they were arrested on 15-5-2016.
3. Learned counsel appearing for the applicants submits that the applicants have been falsely implicated in the case and they are in jail since 15-5-2016 and charge-sheet in this case has been filed, therefore, they may be released on bail.

4. On the other hand, 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 applicant has no previous antecedents of similar offence.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 45 liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicants are in jail since 15-5-2016, this court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju