

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3837 of 2016

1. Babby Ladwal, S/o. Chiranjil Ladwal, aged about 34 years, (wrongly mentioned in impugned order aged about 60 years), R/o. Mini Mata Chowk, Krishna Nagar, Behind Nirmal Cycle Stores, Supela, Police Station : Supela, Tahsil and District – Durg (C.G.)
2. Harish Kumar Dubey, S/o. Shri Balmukund Dubey, aged about 33 years, R/o. Qr. 2-F, Sadak, 15B, Block – 12-13 in between, Sector 02, Bhilai, Tahsil and District – Durg (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Pulgaon, District – Durg (C.G.)

---- Respondent

For Applicants	:	Mr. C.R. Sahu, Advocate
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

20/07/2016

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 in connection with Crime No. 250/2016, registered at Police Station- Pulgaon, District – Durg (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on 19.05.2016 on information received that the applicants are carrying illegal liquor, from the possession of the applicants 14.400 bulk liters liquor was recovered. Thereby the offence has been committed.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and no seizure was made in person from the applicants. It is further submitted that charge-sheet in

this case has been filed and the applicants are in jail since 19.05.2016; therefore, they may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that against the applicant No.1- Babby Ladwal, two cases are registered under Section 36 and 34 of Excise Act in the year 2016 under Crime No.411/2016 and 287/2016, however, submits that no previous antecedents are recorded in the name of applicant No.2- Harish Kumar Dubey.
5. Considering the facts and circumstances of the case and considering the past antecedents of the applicant No.1- Babby Ladwal and proximity of time for commission of similar like nature of offence, I am not inclined to release the applicant No.1- Babby Ladwal on bail. However, in respect of the applicant No.2, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. in respect of the applicant No.1- Babby Ladwal is dismissed and in respect of applicant No.2- Harish Kumar Dubey is allowed.
7. It is directed that the applicant No.2 shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge