

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4124 of 2016

1. Nishant Pandre (wrongly mentioned as Nishant Pandey), S/o. Uttam Singh Pandey, aged about 21 years, Presently R/o. Village Devpura, Police Station Salhewara, Tahsil Chhuikhadan, District – Rajnandgaon (C.G.)
2. Ali Hussain, S/o. Kheema Khan, aged about 20 years, R/o. Village-Rengakhar, Police Station Salhewara, Tahsil Chhuikhadan, District – Rajnandgaon (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : the District Magistrate, Rajnandgaon (C.G.)

---- Respondent

For Applicants	:	Mr. S.S. Baghel, Advocate
For Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

28/07/2016

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. 233/2016, registered at Police Station- Khairagarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 25.740 liters and they were arrested on 29.06.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 29.06.2016; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, she 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 25.740 liters; offence is triable by the JMFC and the applicants are in jail since 29.06.2016, 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 applicants 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