

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4339 of 2016**

1. Gambhir Bharti, S/o Sugan Bharti, Aged About 33 Years, R/o Chanderi, P.S. Simga, District- Baloda Bazar, Bhatapara, Chhattisgarh.
2. Subelal, S/o Bisauha Mahilange, Aged About 50 Years, R/o Chanderi, P.S. Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

**---- Applicants**

**Versus**

State of Chhattisgarh, Through - Station House Office, P.S. Simga, District Baloda Bazar Bhatapara, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. S.K. Guha, Advocate

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

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**08 /08/2016**

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. 176/2016 registered at – Police Station – Simga, District Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 33.12 bulk liters and they were arrested on 01.07.2016.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and the applicants are in jail since 01.07.2016, 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 33.12 bulk liters; offence is triable by the JMFC and the applicants are in jail since 01.07.2016, 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.

**Sd/-**  
**(Goutam Bhaduri)**  
**Judge**