

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4769 of 2016

1. Mukhbir Verma, S/o. Jaijeram, Aged About 35 Years.
2. Dinesh Kumar, S/o. Prahlad, Aged About 40 Years.

Both R/o. Village Semariya, Thana Bhatapara (Gramin), Bhatapara,
Civil & Revenue District Baloda Bazar, Chhattigarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer Of Bhatapara
(Gramin), Civil & Revenue District Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicants : Mr. Punit Ruparel, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/08/2016

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.194/2016 registered at Police Station- Bhatapara (Gramin), District Baloda Bazar (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 14.22 bulk liters and they were arrested on 02.07.2016.
3. Learned counsel for the applicant submits that the applicants have falsely been implicated in this case and they are in jail since 02.07.2016; therefore, they may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she would submit that as per the information

received from the concerned SHO, against the applicant No.1 a case under Section 36 of the Excise Act was registered whereas against the applicant No.2 another case under Section 34(A) of the Excise Act under the Crime No.114/2016 is registered.

5. Perused the case diary and the documents. Considering the fact that against the applicant No.2 another case under Section 34(A) of the Excise Act under the Crime No.114/2016 is registered, I am not inclined to release him on bail. Accordingly, the bail application on behalf of applicant No.2 is rejected; however, liberty is given to him to repeat the bail application after examination of the seizure witness.
6. Perusal of the record with respect to the applicant No.1 shows that no past antecedents of similar nature of offence is registered, therefore, considering the quantity of the seized liquor i.e. 14.22 bulk liters, I am inclined to release the applicant No.1 on bail. Accordingly, the bail application on behalf of the applicant No.1 is allowed.
7. It is directed that the applicant No.1 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.

Sd/-
(Goutam Bhaduri)
Judge