

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5589 of 2016

1. Parmeshwar Dhruv, S/o. Anand Singh Dhruv, aged about 42 years, R/o. Village-Machabhat, Police Station Bhatapara (Gramin), District – Baloda Bazar – Bhatapara (C.G.).
2. Monu Yadu, S/o. Rajkumar Yadu, aged about 21 years, R/o. Village – Tarenga, Police Station – Bhatapara (Gramin), District – Baloda Bazar – Bhatapara (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : Station House Officer, Police of Police Station – Bhatapara (Gramin), District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicants	:	Mr. Anil Gulathi, Advocate
For Respondent	:	Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

20/09/2016

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. 234/2016, registered at Police Station- Bhatapara (Gramin), District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution in brief is that on 21.08.2016 on raid being conducted, from the possession of the applicants 7.20 liters of country made liquor was seized. 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 submitted that the applicants are in jail

since 21.08.2016, therefore, the applicants may be released on bail.

4. On the other hand learned State counsel opposes the prayer for grant of bail and would submit that as against the applicant No.1, Parmeshwar Dhruv a case under Section 34 (A) of Excise Act was registered under Crime No.83/2016 and no antecedent has been reported against the applicant No.2, Monu Yadav.
5. Considering the facts and circumstances of the case as it has been reported that against the applicant No.1, Parmeshwar Dhruv, already a case was registered in the year 2016 itself, therefore, I am not inclined to release the applicant No.1 on bail. However, the liberty is reserved to the applicant No.1, Parmeshwar Dhruv to revive the bail application after seizure witnesses are examined.
6. In respect of the applicant No.2, Monu Yadav, considering the the quantity of the liquor seized i.e. 7.20 liters and no past antecedent has been reported, this Court is inclined to release the applicant No.2, Monu Yadav on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. in respect of the applicant No.1, Parmeshwar Dhruv is dismissed and in respect of the applicant No.2, Monu Yadav is allowed.
8. It is directed that the applicant No.2, Monu Yadav 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.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge