

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5744 of 2016**

1. Akshay Lal, S/o Balaram Aged About 39 Years R/o Village Daldali, Police Station Tahsil Basna, Civil & Revenue District Mahasamund Chhattisgarh
  2. Dilip Singh S/o Baldan Singh Aged About 45 Years R/o Village Daldali, Police Station Tahsil Basna, Civil & Revenue District Mahasamund Chhattisgarh
- Applicants**

**Versus**

- State Of Chhattisgarh Through : Excise Circle Officer, Basna, Civil & Revenue District - Mahasamund Chhattisgarh
- Respondent**

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| For Applicants       | : | Shri Sunil Verma, Advocate |
| For Respondent/State | : | Shri Anant Bajpai, P.L.    |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****26/09/2016**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.83/2016 registered at Police Station Excise Circle Officer, Basna, Civil and Revenue District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, when a raid was conducted by the police party, the applicants were found in possession of illicit liquor measuring about 80 liters contained in 4 white jerkins, the same was seized from them and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, challan has not been filed in this case and they are in jail since 13.08.2016, therefore, they may be released on bail.

4. On the other hand, 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. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 80 liters, offence is triable by the JMFC, challan has not been filed and the applicants are in jail since 13.08.2016, this court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of their furnishing a personal bond in the 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.

Certified copy as per rules.

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