

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7653 of 2015

1. Ashok Kumar Dhruw, S/o. Man Singh Dhruw, Aged About 22 Years, Cast Gond, R/o. Village Mohandi, P.S. Bhimkhoj, Tahsil & Distt. Mahasamund, Chhattisgarh.
2. Basant Sahani, S/o. Jethuram Sahani, Aged About 25 Years, R/o. Village Mohandi, P.S. Bhimkhoj, Tahsil & Distt. Mahasamund, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through: Station House Officer, P.S. Bhimkhoj, Distt. Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

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.221/2015 registered at Police Station- Bhimkhoj, District Mahasamund (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 10.260 bulk liters each and they were arrested on 09.12.2015.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 09.12.2015; 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 10.260 bulk liters each; offence is triable by the JMFC and the applicants are in jail since 09.12.2015, 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. It is made clear that if the applicants are found to be involved in similar offence again, this order granting bail to the applicants shall automatically stand canceled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicants in this case also, after informing the concerned Judicial Magistrate where trial is pending.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge