HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5082 of 2016

1. Gajendra Sahani, S/o. Jethuram, Aged About 25 Years, Occupation – Labor, R/o. Village Mohandi, Thana - Khallari, Tahsil- Bagbahara, District – Mahasamund, Chhattisgarh.
2. Ravi Kumar, S/o. Jaylal, Aged About 24 Years, Occupation– Labor, R/o. Village Pacheda, Thana - Khallari, Tahsil- Bagbahara, District Mahasamund, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : The Excise Officer, Excise Circle - Mahasamund, Chowki- Bundeli, Distt.- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/08/2016

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.135/2016 registered at Excise Circle Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.

2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 18 bulk liters and they were arrested on 24.07.2016.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 24.07.2016; therefore, they may be released on bail.

4. Per contra, 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 18 bulk liters, offence is triable by the JMFC and the applicants are in jail since 24.07.2016, 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

Ashok