

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5214 of 2016

1. Subodh Singh S/O Kishori Singh Aged About 40 Years Occupation Labor, R/O Near Sitali Nala Mahasamund, Thana, Tahsil & District Mahasamund, Chhattisgarh.
2. Rmu S/O Shambhu Dhruw Aged About 60 Years Caste Gond, Occupation Labour, R/O Village Paceda Mohandi, Thana Khallari, Tahsil Bagbahara, District Mahasamund, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through The Excise Officer, Excise Circle Mahasamund, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants : Mr. Vikas Pradhan Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-09-2016

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 on 24-7-2016 in connection with Crime No. 136 of 2016, registered at Police Station Excise Circle Mahasamund, District Mahasamund (CG) for the offence punishable under Section 34((1)(a), 34(2), 59(a)(1)(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 162 liters, the same was seized from them and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that applicants have been falsely implicated in the case and recovery of the said liquor was not made in person from the applicants. He would further submit that applicant No.1 is suffering from Human Immunodeficiency Virus (HIV) which would be evident from the medical report and presently hemoglobin level of applicant No.1 came down to 6.4 which is critically low and needs to be addressed immediately, therefore, considering the critical condition of applicant No.1, the present applicants may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the medical report which would show that the applicant is suffering from HIV positive and hemoglobin level of applicant No.1 came down to 6.4.
7. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the fact that charge-sheet has been filed and the applicants are in jail since 24-7-2016 and further considering the medical condition of applicant No.1, I am inclined to release the applicants on bail.
8. 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 them furnishing a personal bond in the

sum of Rs.25,000/- with one surety 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

Raju