

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5110 of 2016

1. Fulesh Kumar S/O Ferha Ram Girhare Aged About 32 Years R/O Village Tamasiwani, Police Station - Aarang, Tahsil - Abhanpur, Civil & Revenue District - Raipur Chhattisgarh
2. Kailash Kumar Bharti S/O Manrakhan Bharti Aged About 25 Years R/O Village Tamasiwani, Police Station - Aarang, Tahsil - Abhanpur, Civil & Revenue District - Raipur Chhattisgarh

---- Applicants (In jail)

Versus

- State Of Chhattisgarh Through Officer - In - Charge, Police Station - Aarang, Civil & Revenue District - Raipur Chhattisgarh

---- Non-applicant

For Applicants : Shri Suresh Tandon, Advocate

For Non-applicant/State : Ms Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

31.08.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 267 of 2016, registered at PS Aarang, Civil and Revenue, district Raipur (CG) 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 27 bulk liters, 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, they are in jail since 26.07.2016, charge-sheet in this case has been filed and no further investigation is required, therefore, they may be released on bail.
- 4) On the other hand, learned State counsel opposes the prayer for grant of bail, however, she 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 27 bulk liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicants are in jail since 26.07.2016, 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 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