

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5281 of 2016

1. Ramanand Nishad, S/o. Manharan Nishad, Aged About 49 Years,
R/o. Village Samoda, Chowki Jevra, District – Durg, Chhattisgarh.
2. Panchram Nishad, S/o. Late Punaram Nishad, Aged About 47
Years, R/o. Village Samoda, Chowki Jevra, District – Durg,
Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : District Magistrate, District - Durg,
Chhattisgarh.

---- Respondent

For Applicants : Mr. S.K.Agrawal, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/09/2016

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 in connection with Crime No.81/2016-17 registered by Police of Excise Special Circle Durg, District Durg (C.G.) for the offence punishable under Section 34(2), 34(1) A of C.G. 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 12.07.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 12.07.2016; 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 12.07.2016, 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