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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5417 of 2016

1. Bablu Gupta, S/o Krishna Gupta, Aged About 39 Years, R/o Village Mahasamund Naya Para Police Station - City Kotwali Mahasamund Chhattisgarh, Tahsil & District - Mahasamund Chhattisgarh Permanent Residence - Village Chainpur, Infront of Police Station Chainpur, District Palamu (Jharkhand)
2. Jugesh Singh Rajput, S/o Ramjanam Rajput Aged About 40 Years Permanent Residence - Village Pirthu, Police Station - Sallaiya, District - Aurangabad (Bihar) Present R/o Ambagarh Chowki, Police Station Ambagarh Chowki, Distt. Rajnandgaon Chhattisgarh
3. Raviranjana Kumar Rajput, S/o Shankar Singh Rajput Aged About 26 Years, Permanent Residence - Village Pirthu, Police Station - Sallaiya, District Aurangabad (Bihar) Present R/o Ambagarh Chowki, Police Station Ambagarh Chowki, Distt. Rajnandgaon Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh Through : Police Of Police Station - Chilhati Distt. Rajnandgaon Chhattisgarh

---- Respondent

For Applicants : Mr. Rahim Ubwani, Advocate

For Respondent/State : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/09/2016

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. 42/2016 registered at Police Station- Chilhati, District- Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 43.2 liters and they were arrested on 05.08.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and the applicants are in jail since 05.08.2016, 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 43.2 liters; offence is triable by the JMFC and the applicants are in jail since 05.08.2016, 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 their 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