

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5418 of 2016

1. Ajay Nirmalkar, S/o Laxman Nirmalkar Aged About 23 Years R/o Ganjpara, Thana - City Kotwali, Tahsil Distt . Rajnandgaon Chhattisgarh
2. Gautam Nishad S/o Pyare Lal Nishad Aged About 19 Years R/o Ganjpara, Thana - City Kotwali, Tahsil Distt . Rajnandgaon Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through - Thana - Somni, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicants : Mr. Anil Gulati, 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. 131/2016 registered at Police Station- Somni, 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 06 bulk liters and they were arrested on 06.08.2016.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and the applicants are in jail since 06.08.2016, 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 06 bulk liters; offence is triable by the JMFC and the applicants are in jail since 06.08.2016, 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