

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5458 of 2016

1. Karan Yadav S/o Ramnarayan Aged About 32 Years Occupation - Labour R/o Village Khallari, Thana - Khallari, Tahsil - Bagbahara District - Mahasamund Chhattisgarh
2. Hemraj S/o Sukalu Satnami Aged About 31 Years Occupation - Agriculture, R/o Village - Dumarpali, Thana - Khallari, Tahsil - Bagbahara, District Mahasamund Chhattisgarh --- **Applicants**

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station - Khallari, District - Mahasamund Chhattisgarh --- **Respondent**

For the applicant	:	Mr.Vikas Pradhan, Advocate
For the Respondent	:	Mr.Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.09.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 114/2016 registered at P.S. Khallari, Distt. Mahasamund (C.G) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. As per the prosecution case, on receipt of secret information a raid was conducted by the Police, upon which, 30 bulk litres of illicit liquor have been recovered from the joint possession of the applicants.
3. Learned counsel for the applicant submits that the applicants have been falsely implicated in this case and the liquor was not seized in person from the possession of the applicants. He further submits that the applicants are in jail since 22.08.2016, therefore, they may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail and would

submit that against applicant No.2 Hemraj, similar nature of Crime was registered u/s 34(2) of the Excise Act whereas no previous antecedents are reported against applicant No.1 Karan Yadav.

5. Taking into past antecedents of applicant No.2 Hemraj, I am not inclined to release him on bail and his prayer for grant of bail is rejected. However, in respect of applicant No.1 Karan Yadav, since no past antecedents are reported against him, I am inclined to release applicant No.1 on bail.
6. Accordingly, the bail application of Karan Yadav is allowed and he is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.
7. Taking into the past antecedents of applicant No.2, I am not inclined to allow his bail application. Accordingly the bail application of applicant No.2 Hemraj is rejected.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE