

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5881 of 2016

1. Balram, S/o. Hardayal Dhruv, Aged About 26 Years.
2. Umashankar, S/o. Bhudhram Sahu, Aged About 23 Years.

Both were R/o. Village Chanchhi, Police Station- Kasdol, District
Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through S.H.O. Kasdol, District Baloda
Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. Hemant Gupta, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/09/2016

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.278/2016 registered at Police Station- Kasdol, District Baloda Bazar- Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 5.04 bulk liters and they were arrested on 18.07.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 18.07.2016; therefore, he 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 5.04 bulk liters, offence is triable by the JMFC and the applicants are in jail since 18.07.2016, 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