

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6055 of 2016

1. Surendra Mishra, S/o. Baldau Singh, aged about 30 years, R/o. Chakarbhatta, City Kotwali – Mungeli, Tehsil and District – Mungeli (C.G.)
2. Dharendra Singh, S/o. Ramanand Singh, aged about 40 years, R/o. Rampur, Thana and District – Aurangabad (Bihar). Present R/o. Deshi Sharab Bhatti, Mungeli, Tehsil and District – Mungeli (C.G.).

---- Applicants

Versus

The State of Chhattisgarh, Through : Officer-in-Charge, Police Chowki – Fastarpur, Police Station – City Kotwali, Mungeli, District – Mungeli (C.G.)

---- Respondent

For Applicants : Mr. Mahendra Dubey, Advocate
For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

04/10/2016

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.420/2016, registered at Police Station- City Kotwali, Police Chowki- Fastarpur, District – Mungeli (C.G.) for the offence punishable under Section 34(1) (A), 34(2), 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 90 liters and they were arrested on 30.08.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 30.08.2016; therefore, they may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, she 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 90 liters; offence is triable by the JMFC and the applicants are in jail since 30.08.2016, 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 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge