

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6960 of 2016

1. Ganesh S/o Mohan Ganda, Aged About 25 Years R/o Salhewarpara, Dhamtari, Police Station & Post Dhamtari, Tahsil Dhamtari, District Dhamtari Chhattisgarh
2. Vijay S/o Ghasiram Netam Aged About 24 Years (Wrongly Mention In The Impugned Order Gashiram Ganda) R/o Salhewarpara, Dhamtari, Police Station & Post Dhamtari, Tahsil Dhamtari, District Dhamtari Chhattisgarh
3. Ajay @ Vikram Ganda, S/o Ghasiram Netam Aged About 26 Years (Wrongly Mentioned In The Impugned Order Gannu Ganda) R/o Salhewarpara, Dhamtari, Police Station & Post Dhamtari, Tahsil Dhamtari, District Dhamtari Chhattisgarh
4. Sanjay S/o Ghasiram Netam Aged About 24 Years (Wrongly Mentioned In Impugned Order Sanjay Baghel) R/o Salhewarpara, Dhamtari, Police Station & Post Dhamtari, Tahsil Dhamtari, District Dhamtari Chhattisgarh

---- **Petitioners**

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Dhamtari, District Dhamtari Chhattisgarh

---- **Respondent**

For Applicants : Mr. Kunal Das, Advocate

For Respondent/State : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-11-2016

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 on 28-8-2016 in connection with Crime No. 289 of 2016, registered at Police Station City Kotwali, Dhamtari, District Dhamtari (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, when a raid was conducted by the police party, the applicants were found in possession of illicit liquor measuring about 16.56 liters, the same was seized from them and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, they are in jail since 28-08-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, they may be released on bail.
4. On the other hand, 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. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 16.56 liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicants are in jail since 28-08-2016, this court is inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju