

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7075 of 2016

1. Anil Kumar, S/o. Manoj Kumar, Aged About 24 Years.
2. Ben Prakash Banjare, S/o. Kamta Prasad, Aged About 38 Years.

Both are R/o. Village Girhola, Police Station Nandani, Tahsil-Dhamdha, District Durg, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Berla, District Bemetara, Chhattisgarh.

---- Respondent

For Applicants : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/11/2016

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 in connection with Crime No.281/2016 registered at Police Station- Berla, District Bemetara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, both the applicants were found to be in possession of 90 bulk liters of illicit liquor and they were arrested on 10.10.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 10.10.2016; therefore, they may be released on bail.
4. Per contra, 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 bulk liters from both the applicants, offence is triable by the JMFC and the applicants are in jail since 10.10.2016, 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