

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7179 of 2016

1. Hemant Pandey S/o Late Shri Bholaram Pandey Aged About 28 Years R/o Village Reewasagar, Thana & Tahsil- Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.
2. Lekharam S/o Shatruram Ghritlehare Aged About 21 Years R/o Village Reewasagar, Thana & Tahsil- Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.
3. Tukeshwar @ Tahu S/o Shri Santram Dhruw Aged About 25 Years R/o Village Piperchedi, Thana & Tahsil- Kasdol, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioners

Versus

- State Of Chhattisgarh Through Police Station Kasdol, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. R.S. Patel, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17-11-2016

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 22-10-2016 in connection with Crime No. 406 of 2016, registered at Police Station Kasdol, District Baloda Bazar Bhatapara (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 10.26 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 22-10-2016, 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 10.26 liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicants are in jail since 22-10-2016, 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