

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7274 of 2016

1. Manohar Manikpuri, S/o. Chamru Manikpuri, Aged About 50 Years.
2. Ramkumar Verma, S/o. Sadaram Verma, Aged About 33 Years.

Both R/o. Village - Kopra, Post Office & Police Station - Panduka,
District – Gariyaband, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police
Station - Panduka (wrongly mentioned the Police Station - Rajim in
the rejection order), District – Gariyaband, Chhattisgarh.

---- Respondent

For Applicants : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/11/2016

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.142/2016 registered at Police Station- Panduka, District Gariyaband (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 9 bulk liters of illicit liquor and they were arrested on 20.10.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 20.10.2016; therefore, they 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 9 bulk liters from both the applicants, offence is triable by the JMFC and the applicants are in jail since 20.10.2016, 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