

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7628 OF 2016

1. Mahendra Sing S/o Dhirendra Singh Thakur, aged about 26 years, R/o Village Ekauni, Police Station & District Aara (Bihar)

2. Manoj Kumar Singh, S/o Shivraj Singh Rajput, aged about 35 years, R/o Village, Basantpur, Police Station Madanpur, District Aurangabad (Bihar)

Both are residing at present at Village Lakhram, Country Made Liquor Shop, Police Station Ratanpur, Civil and Revenue District Bilaspur (C.G.)

... Applicants

Versus

State of Chhattisgarh, through Station House Officer, Police Station-Ratanpur, District Bilaspur (C.G)

... Respondent

For Applicants	:	Mr. C.P. Lahrey, Advocate, under instructions of Mr. Dharmesh Shrivastava, Advocate.
For Respondent-State	:	Mr. Sangarsh Pandey, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/11/2016

1. This is the first bail application seeking for grant of bail to the Applicants who are in jail since 29.10.2016 in connection with Crime No. 271 of 2016 registered at Police Station Ratanpur, District Bilaspur, for the offence punishable under Sections 34(2) and 59(a) of the Chhattisgarh Excise Act.

2. As per the prosecution, on search being made on 29.10.2016 total 8.640 liters of country made liquor was seized from the unlawful possession of the Applicants and therefore they have been charged with the offence punishable under Sections 34(2) and 59(a) of the Chhattisgarh Excise Act and were arrested on 29.10.2016.

3. Learned Counsel for Applicants submits that the Applicants are innocent, they have been falsely implicated in the instant case and no liquor has been seized from their exclusive possession. He further submits that the Applicants are in custody since 29.10.2016 and therefore they may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that the Applicants were found to be in unlawful possession of 8.640 liters of country made liquor and therefore they may not be enlarged on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case and taking into account the quantity of liquor alleged to have been seized as also the fact that the Applicants are in detention since 29.10.2016, this Court is of the opinion that the present is a fit case where the Applicants can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.20,000/- each with one surety each of the like sum to the satisfaction of the concerned Trial Court for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge