

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7724 of 2016

1. Sundar Lal Morya, S/o. Late Shri Jangilal Morya, Aged About 43 Years, R/o. Uslapur, Thana- Hadiya, District- Allahabad, Uttar Pradesh, At Present Near Liquor Shop, Abhanpur, Police Station- Abhanpur, District Raipur, Chhattisgarh.
2. Yogendra Kumar, S/o. Shri Ramadhar Sahu, Aged About 28 Years, R/o. Gram- Rawa, Thana- Arjuni, District- Dhamtari, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through: The Station House Officer, Police Station- Abhanpur, District- Raipur, Chhattisgarh

---- Respondent

For Applicants : Mr. Sandeep Singh, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

06/12/2016

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.327/2016 registered at Police Station- Abhanpur, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 15.11.2016, from the possession of the applicants, 41.220 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicants submits that he do not want to press this bail application for the applicant No.2, as it has been stated by the learned State counsel that against the applicant No.2, Yogendra Kumar, one another case is registered i.e. Crime

No.170/2016. He further prays that liberty may be given to the applicant No.2 to repeat the bail application after examination of the seizure witness.

4. Accordingly, the bail application on behalf of the applicant No.2 is dismissed as withdrawn with liberty to repeat the same after examination of the seizure witness.
5. Heard this bail application in respect of the applicant No.1 Sundar Lal Morya.
6. Learned counsel for the applicant No.1 submits that the applicant No.1 has been falsely implicated and no seizure was made from his person, therefore, he may be released on bail.
7. 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 applicant No.1 has no previous antecedents of similar offence.
8. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 41.220 bulk liters, offence is triable by the JMFC and the applicant No.1 is in jail since 15.11.2016, this Court is inclined to release the applicant No.1 on bail.
9. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed in respect of the applicant No.1.
10. It is directed that the applicant No.1 shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge