

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 472 of 2017

1. Ghanshyam Sen, S/o. Khuman Sen, aged about 48 years,
2. Raju @ Khileshwar Sen, S/o. Khuman Sen, aged about 36 years,
Both are R/o. Village-Koundkera, Police Station Rajim, District –
Gariyaband (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : Police Station, Rajim, District-
Gariyaband (C.G.)

---- Respondent

For Applicants	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondent	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order On Board

19/01/2017

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. 262/2016, registered at Police Station- Rajim, District – Gariyaband (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 6.300 bulk liters and they were arrested on 29.10.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 29.10.2016; therefore, they may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.300 bulk liters; offence is triable by the JMFC and the applicants are in jail since 29.10.2016, 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.
8. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Judge