

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 429 of 2017

1. Mannu Kumar Baghel S/o Shri Raju Baghel, Aged About 19 Years R/o Village Chapora, Police Station Vidhansabha, Tehsil & District Raipur Chhattisgarh
2. Paras Banjare, S/o Shri Ram Kumar Banjare, Aged About 24 Years R/o Village Doundekhurd, Police Station Vidhansabha, Tehsil & District Raipur Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through S. H. O. Police Station Vidhan Sabha Raipur District Raipur Chhattisgarh

---- Respondent

For Applicants : Mr. Pushkar Sinha, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-02-2017

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 on 7-1-2017 in connection with Crime No. 5 of 2017 registered at Police Station Vidhan Sabha, Raipur (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on information being received a raid was conducted by the police party, the applicants were found in possession of illicit liquor measuring about 13.320 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 7-1-2017 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 13.320 liters, offence is triable by the JMFC and the applicant is in jail since 7-1-2017 this court is inclined to release the applicant 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