

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 618 of 2017

1. Rewa Singh S/o Nil Singh, Aged About 49 Years R/o Village Sasha, Police Station Pamgarh, District Janjgir Champa, Chhattisgarh.
2. Kalendra Singh @ Phulendra Singh, S/o Late Baramdev Singh, Aged About 41 Years R/o Lohabandha, Police Station Kutumb, District Aurangabad, Bihar.
3. Same Lal Sahu S/o Phul Sai, Aged About 46 Years R/o Village Sasha, Police Station Pamgarh, District Janjgir Champa, Chhattisgarh.

--- Applicants

Versus

- State of Chhattisgarh through Station House Officer, Out Post Pachpedi, Police Station Masturi, District Bilaspur, Chhattisgarh. ----

Respondent

For the applicants	: Mr. Dharmesh Shrivastava, Advocate
For the Respondent	: Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

08.02.2017

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No.18/2017 registered at Police Station Out Post Pachpedi, Masturi, Distt. Bilaspur (C.G) for the offence punishable under Sections 34(2)(3), 47(a), 59(a)(1)(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police on 07.1.2017, from the joint possession of the applicants 27 bulk litres of illicit liquor was seized.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and no seizure was made in person from them. He further submits that the applicants are in jail since 07.01.2017 and the alleged seizure having been made, no further investigation is

necessary, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is not able to submit that earlier any case of similar nature u/s 32 of the C.G. Excise Act was registered against them.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 27 bulk litres; offence is triable by the JMFC and the applicant is in jail since 07.01.2017 this Court is inclined to release them on bail. Accordingly, this application is allowed.
6. The applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE