

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 658 of 2017

1. Shubham Vaishnav, S/o. Manoj Vaishnav, Aged About 22 Years, R/o. Village Darrabandha, Outpost Chichola, Police Station- Chhuriya, Tahsil- Chhuriya, District- Rajnandgaon, Chhattisgarh.
2. Tejram Sen, S/o. Late Piritram Sen (wrongly mentioned only Piritram Sen), Aged About 30 Years, R/o. Village Haransinghi, Police Station & Tahsil- Dongargarh, District- Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Out Post, Chichola, Chhuriya, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants : Mr. Abhishek Sharma, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13/02/2017

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 in connection with Crime No.5/2017 registered at Police Station- Outpost Chichola, Chhuriya, District Rajnandgaon (C.G.) for the offence punishable under Sections 34(2) of the Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 17.280 bulk liters and he was arrested on 13.01.2017.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 13.01.2017; therefore, they may be released on bail.
4. Per contra, 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 applicant has no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 17.280 bulk liters, offence is triable by the JMFC and the applicants are in jail since 13.01.2017, 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge