

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 670 of 2017

1. Deenu Jhariya S/o Ganpat Jhariya Aged About 24 Years R/o Ward No. 20, Radhakrishna Ward, Paithupara, Kawardha, Police Station & Tahsil-Kawardha, Civil & Revenue District- Kabirdham, Chhattisgarh.
2. Dinesh, S/o Motiram Dhurve, Aged About 24 Years Caste Gond, R/o Mathpara, Kawardha, Police Station & Tahsil Kawardha, Civil And Revenue District Kabirdham Chhattisgarh

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Excise Circle Kawardha District Kabirdham Chhattisgarh

---- **Respondent**

For Applicants : Mr. Dharmesh Shrivastava, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-02-2017

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. 114 of 2017, registered at Police Station Excise Circle Kawardha, District Kabirdham (CG) for the offence punishable under Sections 34(1)(A) & 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 50-50 quarters, the same were 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 50-50 quarters, offence is triable by the JMFC and the applicants are in jail since 7-1-2017, this court is inclined to release the applicants 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. They shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju