

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 714 of 2017

1. Heerasingh S/o Shri Sunder Gond, Aged About 31 Years R/o Village- Balouda, Thana- Gidhouri (Tundra), Civil & Revenue District:- Balodabajar- Bhatapara, Chhattisgarh.
2. Natthu S/o Shri Babulal Gond, Aged About 38 Years R/o Village- Balouda, Thana- Gidhouri (Tundra), Civil & Revenue District.- Balodabajar- Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer Police Station- Gidhouri (Tundra), Civil & Revenue District.- Balodabajar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Ashutosh Pandey, 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 on 13-1-2017 in connection with Crime No. 251 of 2016, registered at Police Station Gidhouri (Tundra), District Balodabajar (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 20 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

13-1-2017 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 20 liters, offence is triable by the JMFC and the applicants are in jail since 13-1-2017, 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