

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 784 of 2017**

1. Rahul Mishra . S/o Gaya Prasad, Aged About 27 Years R/o Dongargaon Thana- Dongargaon, District Rajnandgaon, Chhattisgarh.
2. Vipin Mishra S/o Dwarika Prasad Aged About 24 Years R/o Dongargaon Thana- Dongargaon, District Rajnandgaon, Chhattisgarh.
3. Kaushal Mochi S/o Ramesh Aged About 22 Years R/o Dongargaon Thana- Dongargaon, District Rajnandgaon, Chhattisgarh.

**---- Applicants**

**Versus**

- State of Chhattisgarh through The Station House Officer Police Outpost- Chichola, District Rajnandgaon, Chhattisgarh.

**---- Respondent**

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| For the applicants | : | Mr. Sumit Shrivastava, Advocate  |
| For the Respondent | : | Mr. U.K.S. Chandel, Panel Lawyer |

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**Hon'ble Shri Justice P. SAM KOSHY**

**Order on Board**

**23.02.2017**

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. 6/2017 registered at Police Outpost Chichola, Distt. Rajnandgaon (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that on receipt of secret information on 13.01.2017 that certain illicit liquor was being carried in Maruti Car bearing No.C.G.06-A/1211 the said vehicle was intercepted by the police and on search being made, 43.200 bulk litres of liquor was seized from the car.
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 13.01.2017 and the alleged seizure having already been made, no further investigation is necessary, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail application. However, he is not able to dispute the fact that any case of similar nature u/s 34(2) of the C.G. Excise Act was earlier registered against the applicants.
5. Taking into consideration the facts and circumstances of the case especially the facts that the alleged seizure of liquor was made from joint possession of the applicants; 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, this application is allowed and 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/-**  
**P. SAM KOSHY**  
**JUDGE**