

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 841 of 2017

1. Surya Pratap Singh @ Surya, S/o. Shri Devi Singh, Aged About 19 Years, R/o. In front Of F.C.I., Rajeev Nagar, Village- Nakta, Police Station- Mandir Hasaud, District- Raipur, Chhattisgarh
2. Biselal Dhiwar @ Bisen Dhiwar, S/o. Late Kumar Dhiwar, Aged About 26 Years, R/o. Village- Badgaon, Police Station- Mandir Hasaud, District- Raipur, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh, Through- S.H.O., Police Station- Mandir Hasaud, Raipur, District- Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Pawan Shrivastava, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

23/02/2017

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.18/2017 registered at Police Station- Mandir Hasaud, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 6.480 bulk liters and they were arrested on 17.01.2017.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 17.01.2017; therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she would submit that as per the information received from the concerned SHO, the applicants have 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 6.480 bulk liters, offence is triable by the JMFC and the applicants are in jail since 17.01.2017, this Court is inclined to release the applicant 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 each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge