

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 842 of 2017

1. Shyamu Dhiwar, S/o. Late Shri Gokul Dhiwar, Aged About 26 Years, R/o. Village- Gullu, Police Station- Arang, District Raipur, Chhattisgarh.
2. Kamlesh Yadav, S/o. Human Yadav, Aged About 22 Years, R/o. Village- Gullu, Police Station Arang, District- Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Arang, District- Raipur- Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R.Sahu, 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.35/2017 registered at Police Station- Arang, 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 6.300 bulk liters and they were arrested on 20.01.2017.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 20.01.2017; 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 6.300 bulk liters, offence is triable by the JMFC and the applicants are in jail since 20.01.2017, 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