

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 857 of 2017

1. Rajesh Sharma S/o Santosh Sharma, Aged About 21 Years R/o Chandranagar, Ward, No. 07, Kohka Bhilai, Police Station Mohan Nagar District Durg Chhattisgarh.
2. Buntty, S/o Ramlakhan Sahu, Aged About 20 Years R/o Mohan Nagar, Police Station Mohan Nagar, District Durg Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through The Out Post Jalbandha, Police Station Khairagarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicants : Mr. Rakesh Pandey, Advocate

For Respondent/State : Mr. Ashutosh Pandey, 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 on 18-01-2017 in connection with Crime No. 14 of 2017 registered at Police Station Out Post Jaibandha, PS Khairagarh, District Rajnandgaon (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 whereby the applicants were found in possession of illicit liquor measuring about 34.920 bulk 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, seizure was not made from the applicants, they are in jail since 18-1-2017 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 34.920 liters, offence is triable by the JMFC and the applicants are in jail since 18-01-2017, this court is of the view that it is fit case where the applicants can be released 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/-

(P. Sam Koshy)
Judge

Raju