

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1005 of 2017

1. Fagnu Dhruv S/o Prahlad Dhruv Aged About 33 Years R/o Village Barbhat, Police Station Fingeshwar District Gariyaband, Chhattisgarh.
 2. Rajat Kumar S/o Vijay Chandrawanshi Aged About 22 Years R/o Dhobi Mohalla Hariharganj , Post Hariharganj, District Palamu, Jharkhand.
 3. Rajesh Yadav S/o Kailash Yadav Aged About 35 Years R/o Sheetalpura (Barhan), Police Station Dhina, District Chandoli, Uttar Pradesh.
- Applicants**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Fingeshwar, District Gariyaband, Chhattisgarh. **--- Respondent**

For the applicants	: Mr. Rajkumar Pali, Advocate
For the Respondent	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice GOUTAM BHADURI

Order on Board

01.03.2017

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. 19/2017 registered at Police Station Fingeshwar, District Gariyaband (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the Police on 26.01.2017, from the joint possession of the applicants approximately 72 bulk litres of illicit liquor was seized.
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 26.01.2017 and the

alleged seizure having 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 earlier any case of similar nature u/s 34(2) of the C.G. Excise Act was registered against them.
5. Taking into consideration the totality of the circumstances and the liquor was alleged to be seized from the joint possession of the applicants; offence is triable by the JMFC and the applicants are in jail since 26.01.2017 this Court is inclined to release them 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/-
GOUTAM BHADURI
JUDGE

Rao