

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1343 of 2017

1. Shalik Ram Yadav, S/o. Khamman, aged about 25 years,
 2. Khemlal, S/o. Hulash, aged about 19 years,
- Above both resident of Village- Madiyapar, P.S. - Bori, Tehsil-Dhamdha, District – Durg (C.G.)

---- Applicants

Versus

The State of Chhattisgarh, Through : District Magistrate, District – Durg (C.G.)

---- Respondent

For Applicants	:	Mr. Avinash Chand Sahu, Advocate
For Respondent	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

22/02/2017

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 29.01.2017 in connection with Crime No. 297/2017, registered at Police Station- Excise Circle – Durg Internal (North), District – Durg (C.G.) 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 to be in possession of 14.400 bulk liters of liquor and the same was recovered from them and thereby the aforesaid offence was committed.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, the seizure was not made from the applicants and they are in jail since 29.01.2017; therefore, they may

be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case, particularly the fact that it is the first offence of the applicants and they are in custody since 29.01.2017, this Court is of the view that it is a fit case where the applicants can be released on bail.
6. Accordingly, the bail application filed under Section 439 of 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 for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Judge