

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1050 of 2017

1. Ashif Khan S/o Babu Khan, Aged About 24 Years R/o Pathanpara Chhuikhadan, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh.
2. Bhagwat Kamde S/o Radhe Kamde, Aged About 25 Years R/o Tikripara, Chuikhadan, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through - Station House Office, Police Station Chhuikhadan, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For applicants - Shri Sanjeev Sahu, Advocate.
For Respondent/State – Shri Wasim Miyan, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/03/2017

1. The applicants have preferred this application for grant of bail as they are arrested in connection with Crime No. 312/2016 registered in Police Station Chhuikhadan District Rajnandgaon (C.G.) for offence punishable under section 34(2) of the Excise Act and Section 25 of the Arms Act.
2. Case of the prosecution, in brief, is that on 23/12/2016 while the applicants were travelling in a motorcycle, having intercepted from the possession 17.280 bulk liters of country made liquor and dagger (gupti) was seized from them.
3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the case, no seizure has been made in person from the applicants, therefore they may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and

would submit that as many as 5 cases under different sections of IPC are registered against applicant No.1 Ashif Khan and dagger was also seized from applicant No.1 Ashif Khan, however no past antecedents is reported against applicant No.2 Bhagwat Kamde.

5. Considering the facts and circumstances of the case, taking into fact past antecedents against **applicant No.1 Ashif Khan**, this court is not inclined to release **applicant No.1 Ashif Khan** on bail.

6. Accordingly, bail application in respect of **applicant No.1 Ashif Khan** is dismissed.

7. However, in respect of **applicant No.2 Bhagwat Kamde** taking into fact nature of recovery and quantity of liquor, this court is inclined to release **applicant No.2 Bhagwat Kamde** on bail

8. Accordingly, bail application in respect of **applicant No.2 Bhagwat Kamde** is allowed and it is directed that **applicant No.2 Bhagwat Kamde** shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE