

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1095 of 2017

1. Neelkanth Satnami (Mandle), S/o. Kanglooram Satnami (Mandle), Aged About 30 Years, R/o. Village- Patouri, Post Office & Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh.
2. Trilochan Mirdha, S/o. Mohan Lal Mirdha, Aged About 28 Years, R/o Village- Patouri , Post Office & Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station- Fingeshwar, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicants : Mr. Shivendu Pandya, Advocate
For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

03/03/2017

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.12/2017, 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 the applicants were found to be in possession of illicit liquor measuring about 18 liters and they were arrested on 17.01.2017.

3. At the very outset learned counsel for the applicants submits that he do not want to press the bail application in respect of the applicant No.1- Neelkant Satnami (Mandle) and seeks permission of this Court to withdraw the instant bail application filed under Section 439 of Cr.P.C. in respect of the applicant No.1 – Neelkant Satnami (Mandle) with liberty to repeat the same after examination of the seizure witnesses.
4. Accordingly, the bail application filed under Section 439 of Cr.P.C. in respect of the applicant No.1 – Neelkant Satnami is dismissed as withdrawn with aforesaid liberty.
5. In respect of the applicant No.2- Trilochan Mirdha, it is submitted that he has falsely been implicated in this case and the seizure was not made in person from the present applicant, charge-sheet in this case has been filed and he is in jail since 17.01.2017; therefore, he may be released on bail.
6. 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 applicant No.2 has no previous antecedents of similar offence.
7. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 18 liters; offence is triable by the JMFC and the applicant is in jail since 17.01.2017, this Court is inclined to release the applicant No.2, Trilochan Mirdha on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. in respect of the applicant No.2, Trilochan Mirdha is allowed.

9. It is directed that the applicant No.2 – Trilochan Mirdha shall be released on bail on 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 his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge