

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 1184 of 2017**

1. Dinesh Yadav S/o Rma Yadav Aged About 28 Years Occupation Labour, Permanent R/o Village Mahrajganj, Police Station Baluaa, District Chandoli, Uttar Pradesh. Presently R/o Village Midmida, Tahsil Pussore, District Raigarh, Chhattisgarh.
2. Munna Singh S/o Jamuna Singh Rajput, Aged About 29 Years Occupation Labour, Permanent R/o Village Itwat, Police Station Barun, District Aurangabad, Bihar, Presently R/o Village Midmida, Tahsil Pussore, District Raigarh, Chhattisgarh.

**---- Petitioners**

**Versus**

- State of Chhattisgarh Through Station House Officer, Jute Mill, District Raigarh, Chhattisgarh.

**---- Respondent**

---

For Applicants : Mr. Amit Sharma, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

---

**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**06-03-2017**

1. At the out-set, learned counsel for the applicants submits that he does not want to press the bail application in respect of applicant No.2 Munna Singh as previous antecedents have been reported against him, therefore, he seeks to withdraw his bail application with liberty to file afresh after seizure witnesses are examined.
2. Accordingly, the bail application of applicant No.2 Munna Singh is dismissed as withdrawn with the aforesaid liberty.
3. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant No.1 Dinesh Yadav who has been arrested on 4-2-2017 in connection with Crime No. 63 of 2017, registered at Police Station SHO, Jute Mill, District Raigarh

(CG) for the offence punishable under Section 34(2) (A) and 59(A) of the Chhattisgarh Excise Act.

4. As per prosecution case, on information being received a raid was conducted by the police party and from the possession of applicant No.1 Dinesh Yadav illicit liquor measuring about 17.280 liters, the same was seized from him and thereby the aforesaid offence was committed.
5. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he is in jail since 4-2-2017 and no further investigation is required, therefore, he may be released on bail.
6. 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 applicant No.1 Dinesh Yadav has no previous antecedents of similar offence.
7. I have heard learned counsel for the parties and have also perused the case diary and the documents.
8. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 17.280 liters, offence is triable by the JMFC and the applicant is in jail since 4-2-2017, I am inclined to release the applicant on bail.
9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant No. 1 Dinesh Yadav shall be released on bail on his 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge

