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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3074 of 2017**

1. Chandu Chourasiya, S/o Chandrashekhar Alias Shobha Chaourasiya Aged About 30 Years R/o Village Lambar Thana And Tahsil- Saraipali District- Mahasamund, Chhattisgarh. R/o Village Semriya, Post- Despur Police Station- Amba, District Aurangabad, Bihar, At Present R/o Village Jhilmila Thana And Tahsil- Saraipali District- Mahasamund, Chhattisgarh.
2. Vijay Yadav S/o Valiwar Alias Dalkeshwar Yadav Aged About 40 Years R/o Village Semriya, Post- Despur Police Station- Amba, District Aurangabad, Bihar, At Present R/o Village Jhilmila Thana And Tahsil- Saraipali District- Mahasamund, Chhattisgarh.
3. Ajju Khan S/o Nawab Khan Aged About 18 Years R/o Village Lambar Thana And Tahsil- Saraipali District- Mahasamund, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Village Occupation Through Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh.

---- Non-Applicant

For Applicant:	Shri Vikas Pradhan, Advocate.
For State/Non-Applicant:	Smt M. Asha, Panel Lawyer.

Single Bench: Hon'ble Shri Prashant Kumar Mishra J
Order On Board

22.5.2017

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicants are arrested in connection with Crime No.99/2017 registered at Police Station – Saraipali, District Mahasamund (CG) for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act for illegally possessing 297 bulk liters of country made liquor.
2. Learned Counsel for the Applicants submits that the Applicants are innocent and have been falsely implicated in the alleged crime. He submits

further that there are no criminal antecedents of similar offence against them and are therefore liable to be enlarged on bail.

3. On the other hand, learned counsel for the State opposed the prayer for bail.

4. Having considered the facts and circumstances of the case and particularly keeping in view the quantity of liquor seized and also that the offence is triable by the Magistrate, First Class and that the Applicants are in jail since 29.03.2017, this Court is inclined to release the Applicants on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed. It is made clear that if the Applicants involve themselves in the offence of similar nature in future, this order granting bail to the Applicants shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Prashant Kumar Mishra)
V. JUDGE