

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3475 of 2017

1. Tula Ram S/o Akadashi, Aged About 47 Years R/o Village Amaldeeha, Police Station Pachpedi, District- Bilaspur, Chhattisgarh.
2. Mahehdra Patel S/o Tula Ram Aged About 19 Years R/o Village Amaldeeha, Police Station Pachpedi, District- Bilaspur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through : The District Magistrate, Bilaspur, Chhattisgarh

-----Respondent

For Applicant : Shri Praveen Dhurandhar and Shri Vivek Singhal,
Advocate.

For Respondent : Ms. Tripti Rao, Panel Lawyer for the State.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On 15.06.2017.

This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No.128/2017 registered at Police Station Pachpedi, Distt. Bilaspur for the offence punishable under Section 34(2), 36 & 59 (A) of the Chhattisgarh Excise Act.

2. Case of the prosecution, in brief, is that 58.500 bulk liters of illicit country made liquor was seized by the police from the joint possession of present applicants as they were selling the same in an open place.

3. Learned counsel for the applicants submits that the applicants are in detention since 31.3.2017. He further submits that applicants have no criminal background and have been falsely implicated in the case, and therefore, the applicants may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application on the ground that huge quantity of liquor was seized from the possession of the applicants.

5. I have heard the counsel appearing for the parties.

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, particularly considering the period of custody undergone and also considering the quantity of liquor so seized from the joint possession of the applicants, this Court is of the opinion that present is the fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- each with two solvent sureties in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

9. If any similar criminal antecedent of the applicants is pointed out at a later stage, the instant bail order shall automatically stand cancelled.

10. Accordingly, IA No.01 for urgent hearing and IA No.02 for hearing the matter during summer vacation stand disposed of.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge