

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3609 of 2017

1. Bharat Kewat, S/o. Shri Jogan Kewat, Aged About 60 Years, R/o. Village Doto, Thana Beltukri, District Nuapada, Orissa.
2. Loknath Thakur, S/o. Shri Bhagwa Thakur, Aged About 37 Years, R/o. Village Chhote Khemda, Thana Komakhan, District Mahasamund, Chhattisgarh.

---- Applicants

Versus

The State Of Chhattisgarh, Through the Station House Officer,
Police Station Komakhan, Civil & Revenue District Mahsamund,
Chhattisgarh.

---- Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Rahul Tamaskar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.06.2017

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.52/2017 registered at Police Station- Komakhan, District Mahasamund (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 16.600 bulk liters and they were arrested on 16.04.2017.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 16.04.2017; therefore, they may be released on bail.

4. Per contra, 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 applicants have no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 16.600 bulk liters, offence is triable by the JMFC and the applicants are in jail since 16.04.2017, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants 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 their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Vacation Judge