

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3976 of 2017**

1. Tulsi Yadav S/o Mansha Ram Yadav Aged About 35 Years R/o Village Mohdi, Police Station Magarlod, District Dhamtari, Chhattisgarh.
2. Sukhdas Satnami S/o Mayku Satnami Aged About 40 Years R/o Village Mohdi, Police Station Magarlod, District Dhamtari, Chhattisgarh.

**---- Petitioners**

**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station: Magarlod, District: Dhamtari, Chhattisgarh.

**---- Respondent**

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For Applicants : Mr. Sameer Singh, Advocate

For Respondent/State : Mr. Avinash Singh, Panel Lawyer

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**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 on 7-4-2017 in connection with Crime No. 62 of 2017, registered at Police Station Magarlod, District Dhamtari (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on information being received a raid was conducted by the police party, the applicants were found in possession of illicit liquor measuring about 20 liters, the same was seized from them and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, they are in jail since 7-4-2017 and no further investigation is required, therefore, they may be released on bail.

4. 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 applicants have no previous antecedents of similar offence.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 20 liters, offence is triable by the JMFC and the applicant is in jail since 7-4-2017, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on each of them 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 their appearance as and when directed.

Certified copy as per rules.

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

Raju