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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**M.Cr.C. NO. 5782 OF 2017**

1. Ishwar Gond, S/o Santram Gond, aged about 47 years, R/o Village Semra (Bhainsamuda), P.S. Gidhauri, Civil & Revenue District Baloda Bazar-Bhatapara (C.G.)
2. Natthulal Chauhan, S/o Sambhu Chauhan, aged about 56 years, R/o Village Tendubhatha (Matiya), P.S. Gidhauri, Civil & Revenue District Baloda Bazar-Bhatapara (C.G.)

**... Applicants**

**Versus**

State of Chhattisgarh, through P.S. Gidhauri, Civil and Revenue District Balod Bazar-Bhatapara (C.G.)

**... Non-applicant**

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|-------------------------|-----------------------------------|
| For Applicants          | : Mr. Adil Minhaj, Advocate.      |
| For Non-applicant/State | : Mr. Anant Bajpai, Panel Lawyer. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**06/10/2017**

1. The present is an application filed under Section 439 of CrPC for grant of bail to the Applicants who are in jail since 19.8.2017 in connection with Crime No. 133/2017, registered at Police Station- Gidhauri, District Baloda Bazar-Bhatapara, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution, on a search being made on 19.8.2017, total 7.02 bulk liters of country made liquor was seized from the unlawful possession of the Applicants and therefore they have been charged with the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. Learned Counsel for Applicants submits that the Applicants are innocent, they have been falsely implicated in the instant case and no liquor has been seized from their exclusive possession and that they are in jail since 19.8.2017, therefore, they may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that the Applicants were found to be in unlawful possession of 7.02 bulk liters of country made liquor and therefore they may not be enlarged on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case and taking into account the quantity of liquor alleged to have been seized as also the fact that the Applicants are in detention since 19.8.2017, this Court is of the opinion that the present is a fit case where the Applicants can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicants shall be released on bail on each of them 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/-  
**(P. Sam Koshy)**  
Judge