

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6077 of 2017

- Jitendra Dhruv S/o Santram Dhruv, Aged About 25 Years R/o Village Binouri, Police Station Palari, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Palari, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

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MCRC No. 6273 of 2017

- Daulatram Sahu S/o Lakhan Lal Sahu, Aged About 35 Years R/o Village Binouri, Police Station Pallari, District (Revenue & Civil), Balodbazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Pallari, District (Revenue & Civil) Balodabazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Yogesh Chandra and Mr. Sumit Jhanwar, Advocates.
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/11/2017

1. Since both bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both applications are the first bail applications 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. 317/2017, registered at Police Station- Pallari, District (Revenue & Civil)– Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.

3. The prosecution alleges that the applicants Jitendar Dhruw and Daulatram Sahu were found to be in possession of illicit English liquor measuring about 26.640 bulk liters and they were arrested on 09.09.2017.
4. Learned counsel for the applicant submits that the applicants have falsely been implicated in this case and they are in jail since 09.09.2017; therefore, they may be released on bail.
5. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, applicants have no previous antecedents of similar offence.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 26.640 bulk liters. There is no report as to previous conviction recorded against the applicants; offence is triable by the JMFC and the applicants are in jail since 09.09.2017, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge