

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6029 of 2017

- Subelal S/o Foolsingh Dahre, Aged About 45 Years R/o Village Akaltara, Thana / Tahsil Simga, District Balauda Bazar - Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Thana - Simga, District Balaudabazar - Bhatapara Chhattisgarh

---- Respondent

And

MCRC No. 6253 Of 2017

- Hemant Kumar S/o Suresh Dubey, Aged About 32 Years R/o Village Mahadev Ghaat Raipur, District Raipur Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through The Police Station Simga, District Baloda Bazar Chhattisgarh.

---- Respondent

And

MCRC No. 6287 Of 2017

- Krishnkant Dahriya S/o Samodhi Lal Dahriya Aged About 32 Years R/o Village Kewradeeh, Police Station Kharora, District (Revenue And Civil)- Raipur, Chhattisgarh.

---- Applicant

Vs

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

---- Respondent

And

MCRC No. 6529 Of 2017

- Chandan Vishwakarma S/o Santosh Vishwakarma Aged About 19 Years R/o Shriram Nagar Changorbhata - Raipur District (Revenue & Civil Raipur) Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through Police Station Simga Disrict (Revenue & Civil) Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Samir Singh, Mr. Vikas Pandey & Mr. Sumit Jhanwar, Advocates.
For Respondent/State	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

21/11/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. All bail applications are 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. 255/2017, registered at Police Station- Simga, District – Baloda Bazar- Bhatapara(C.G.) for the offence punishable under Section 34(2) of the Excise Act.
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. They are in jail since 28.08.2017. The case against them and offence is triable by Judicial Magistrate. Applicants are residents of District-Baloda Bazar- Bhatapara, they are ready to abide of all the conditions imposed for

grant of bail, hence, prayed that applicants be enlarged on regular bail.

4. Learned State counsel opposes the prayer for grant of bail and the submissions made in this respect.
5. The facts of the case are these that a total of 146.880 bulk liters of foreign liquor was seized from a car which was occupied by all the applicants. The recovered liquor was divided into 4 parts and seizure has been made from each of the accused of one of the parts. The case has been registered, investigation has been completed and charge-sheet has been filed.
6. Taking into consideration the totality of the circumstances and the fact that offence is triable by the JMFC and the applicants are in jail since 28.08.2017, this Court is inclined to release the applicants on bail.
7. Accordingly, the bail applications filed under Section 439 of Cr.P.C. are allowed.
8. It is directed that the applicants shall be released on bail on their 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge