

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6088 of 2017

- Kunjlal S/o Fulchand Dhritlahre, Aged About 67 Years, R/o Village Bansakra, Police Station Simga, Tahsil Simga, District Balodabazar-Bhatapara, Chhattisgarh
- Santosh Yadav S/o Chaitram Yadav, Aged About 40 Years, R/o Village Bansakra, Police Station Simga, Tahsil Simga, District Balodabazar-Bhatapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Simga, District Balodabazar-Bhatapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for grant of regular bail. The applicants have been arrested on 25-06-2017 in connection with Crime No.192/2017 registered at P.S. Simga, District Balodabazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in custody since 25-06-2017. Hence, they may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 7.770 bulk liter illicit country made/foreign liquor has been seized from the possession of the applicants. It is further submitted that one offence under Section 34(2) of the C.G. Excise Act had been registered against the applicants in year 2015. Hence, they are not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.
5. Considering that there is no report of conviction against the applicant, this Court is of the opinion that the applicants should be granted bail.
6. Consequently, the application (MCRC No.6088/2017) filed under Section 439 of the Cr.P.C. by the applicants is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge