

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6663 of 2017**

- Shiv Prasad Gautam S/o Kedar Prasad Gautam Aged About 27 Years R/o Village Kathara, Post Karigohi, Police Station Amuwa, District Satna (M. P.) Presectly Residing At Lakhe Nagar, Near Hanuman Mandir Chowk, Police Station Purani Basti, Raipur, District Raipur Chhattisgarh Mob 8462044028

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Excise Circle, Pachpedi Naka, Raipur, District Raipur Chhattisgarh

---- Respondent**And****MCRC No. 6699 of 2017**

- Ganesh Chandrakar S/o Chudaman Chandrakar Aged About 24 Years R/o Purani Basti, Mowa, Bada Talab, Near Ram Mandir, Police Station Pandri, District Raipur Chhattisgarh. Mob. 9009581553

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Excise Circle, Pachpedi Naka , Raipur District Raipur Chhattisgarh.

---- Respondent

For the Petitioners : Shri C.R. Sahu,
Advocate.

For the Respondent/State : Shri O.P. Sahu, Government
Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER**

30.10.2017

1. Heard on application under Section 439 of Cr.P.C.
2. As both the bail applications are arising out of the same crime number and incident, they are heard and decided together by this common order.
3. These are their first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, who have been arrested in connection with Crime No.131/2017, registered at Police Station –Excise Circle, District – Raipur, Chhattisgarh for the offences punishable under Sections 34 (1) क, च, ज, 34(2), 36 of Chhattisgarh Excise Act.
4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and they are in jail since 08.10.2017, 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, the quantity of the liquor seized from the possession of the applicants is 18 bulk litres, hence, the applicants are not entitled for grant of bail.
6. Heard counsel for both the parties and perused the case diary.
7. On 08.10.2017 two cartons of illicit liquor contained in 24 bottles of 750 ml. each 18 bulk litres was seized from the possession of

the applicants in both the cases and the case is under investigation.

8. Considering the submission and the contents of the case diary, the fact that the applicants are in jail since 08.10.2017, no purpose would be served, if the applicants are kept in detention till the completion of the investigation and trial, this Court is of the opinion that this is a fit case, where the applicants are entitled for grant of bail.
9. Consequently, both the applications (MCRC No.6663/2017 and MCRC No.6699/2017) filed under Section 439 of the Cr.P.C. are 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Certified copy as per rules.

Sd /-

(Rajendra Chandra Singh Samant)
Judge