

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6747 of 2017

1. Maniram Gayakwad, S/o. Siyaram Gayakwad, Aged About 45 Years,
2. Yashwant @ Bhola, S/o. Shyam Lal Banjare, Aged About 35 Years,
Both R/o. Village -Telasi, Chauki Gidhpuri, Police Station -Palari,
District - Baloda Bazar – Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : The Police Station - Palari, Chauki-Gidhpuri, Baloda Bazar, Bhatapara Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Ankur Agrawal, Advocate
For Respondent	:	Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/10/2017

1. This is 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.355/2017, registered at Police Station- Palari, Chauki – Gidhpuri, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 5.400 bulk liters and they were arrested on 08.10.2017.
3. 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, prayed that the applicants may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail. It is submitted that the applicant No.1 has previous criminal record of which one of the case had been for offence under the provisions of Chhattisgarh Excise Act and some cases are against him under the provisions of I.P.C., but there is no information about the conviction in any of the previous cases. On these grounds, it is prayed that the applicants may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.400 bulk liters; offence is triable by the JMFC and the applicants are in jail since 08.10.2017, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge