

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8312 of 2016

1. Narayan Patel S/o Shri Ganesh Ram Patel, Aged About 35 Years
Residence Of Village Chhatal Dabra, Thana Rajadeori, Civil & Revenue
District Balodabajar Bhatapara (Chhattisgarh).
2. Ganesh Ram Patel, S/o Shri Bhagirathi Patel, Aged About 62 Years
Residence Of Village Chhatal Dabra, Thana Rajadeori, Civil & Revenue
District Balodabajar Bhatapara (Chhattisgarh).

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station
Rajadeori, Police Outpost Baya, District Balodabajar Bhatapara
(Chhattisgarh).

---- **Respondent**

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02-01-2017

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 on 9-11-2016 in connection with Crime No. 57 of 2016, registered at Police Station Rajadeori, Police Outpost Baya, District Balodabazar Bhatapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, when a raid was conducted by the police party, the applicants were found in possession of illicit liquor measuring about 80 liters, the same was seized from them and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case, they are in jail since

09-11-2016 and no further investigation is required, therefore, they may be released on bail.

4. On the other hand, 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 applicants have no previous antecedents of similar offence.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 80 liters, offence is triable by the JMFC and the applicants are in jail since 09-11-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju