

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8665 of 2016

1. Dharmjeet Singh, S/o. Shri Hira Singh Rajput, Aged About 25 Years, R/o. Village- Mudhani, Thana- Mohniya, District- Kaimurbhabhuwa (Bihar)
2. Rakesh Yadav, S/o. Shri Yougal Yadav, Aged About 46 Years, R/o. Village- Khardiha, Thana- Chhatarpur, District- Tatenganj (Jharkhand)

---- Applicants

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Station- Panduka, District- Gariyaband, Chhattisgarh.

---- Respondent

For Applicants : Mr. Sandeep Singh, Advocate

For Respondent : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/01/2017

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 in connection with Crime No.166/2016 registered at Police Station- Panduka, District Gariyaband (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit country made liquor measuring about 90 bulk liters and they were arrested on 19.12.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 19.12.2016; therefore, they may be released on bail.

4. Per contra, 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. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 90 bulk liters, offence is triable by the JMFC and the applicants are in jail since 19.12.2016, 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.

Sd/-
(Goutam Bhaduri)
Judge