

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8652 of 2016

1. Babulal, S/o. Kushwa Gond, Aged About 60 Years.
2. Maniram Gond, S/o. Babulal Gond, Aged About 26 Years.

Both are R/o. Village Sabariya Dera (Hasua), Baloda, Police Station
Gidhori, Tahsil Kasdol, District Balodabazar- Bhatapara,
Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through The Station House Office, Police
Station Gidhori, District Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/01/2017

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.246/2016 registered at Police Station- Gidhori, District Balodabazar- Bhatapara (C.G.) for the offence punishable under Section 34(2) of C.G. Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 10 bulk liters and they were arrested on 17.12.2016.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 17.12.2016; therefore, they may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she 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 10 bulk liters, offence is triable by the JMFC and the applicants are in jail since 17.12.2016, this Court is inclined to release the applicant 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