

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8056 of 2017

1. Shashi Kumar Singh S/o Anirudh Singh Aged About 25 Years R/o Village Karma Misir, Post Office And Police Station Risiyap, District Aurangabad Bihar, Bihar
2. Kamal Narayan Sahu S/o Sukdev Sahu Aged About 23 Years R/o Village Banabguod, Post Office And Police Station Keregaon, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, P S Kurud District Dhamtari Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate.
For Respondent : Mr. Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/02/2018

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. 100/2017, registered at Police Station- Kurud, District – Dhamtari (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act & 146, 323, 353, 332, 186, 294, 506(B)/34 of IPC.
2. The prosecution alleges that the applicants were found to be in possession of illicit country made liquor measuring about 09.000 bulk liters and he was arrested on 01.10.2017.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and he is in jail since 01.10.2017;

therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that during the raid conducted by the police personnel applicants willfully assaulted and caused injury to the police personnel because of which they are not entitled with the grant of regular bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized illicit country made liquor is 09.000 bulk liters; offence is triable by the JMFC and the applicants are in jail since 01.10.2017, 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. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge