

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 539 of 2018

1. Marshal Rajput, S/o. Rakesh Kumar Rajput, Aged About 49 Years, R/o. Tripal Nagar, Kohka Supela, Bhilai, Tahsil and District Durg Chhattisgarh.
2. Rajjan Yadav, S/o. Chuggu Yadav, Aged About 45 Years, R/o. Lane Beside Jivan Talilors, Durga Chowk, Basantpur, Police Station Rajnandgaon, Tahsil and District Rajnandgaon Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Supela, District Durg Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Jitendra Gupta, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/02/2018

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. 1168/2017, registered at Police Station- Supela, District – Durg (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 34.560 liters and they were arrested on 20.12.2017.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 20.12.2017; therefore, they may be released on bail.
4. 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 34.560 liters; offence is triable by the JMFC and the applicants are in jail since 20.12.2017, 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge