

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 346 of 2018

- Sudarshan Yadu S/o Ramadhar Yadu, Aged About 37 Years
R/o Village Ranka, Police Station Bemetara Tahsil Berla,
District Bemetara Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Of Police Station Simga, District Baloda Bazar Bhatapara,
Chhattisgarh, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 244 of 2018

- Agamdas S/o Ramchand Diwakar Aged About 26 Years R/o
Village Darchura, Police Station Simga, District Baloda Bazar
Bhatapara, Chhattisgarh., Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Simga District Baloda Bazar, Bhatapara,
Chhattisgarh., Chhattisgarh.

---- Respondent

For Applicants : Mr.Samir Singh and Mr. A.S.
Rajput, Advocates.

For Respondent/State : Mr. N.K. Mehta, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.02.2018

1. Both the applications are heard and decided together by this common, order, as both the bail applications are arising out of the same crime number and offences.
2. These are the first bail application for grant of bail to the applicants who have been arrested in connection with Crime No. 295/2017 registered at Police Station – Simga, District - Baloda Bazar, Bhatapara, (C.G), for the offences under Sections 34 (2) of C.G. Excise Act and Section 420 of Indian Penal Code.
3. Learned counsel for the applicants submit that the applicants have falsely been implicated in this case. The seizure of illicit liquor was made from the open place which cannot be held specific possession of the applicants. The applicant – (Sudarshan Yadav) in M.Cr.C No. 346/2018, has been roped in only on the basis of memorandum statement given by the co-accused person, which is not admissible in evidence. The applicant – (Sudarshan Yadav) is in jail since 26.10.2017 and the applicant – (Agamdas) in M.Cr.C. No. 244 of 2018 is in jail since, 06.10.2017. After completion of investigation the charge-sheet has been filed, therefore, it is prayed that the applicants may be released on bail.
4. Learned State counsel opposes the bail applications, however, he would submit that as per the information received from the concerned SHO, the applicants have no previous antecedents of similar offences.

5. I have heard the learned counsels for the parties and perused all the documents placed on record.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 101.52 bulk liters; offence is triable by the JMFC. The applicant – (Sudarshan Yadav) in M.Cr.C. No.346 of 2018 is in jail since 26.10.2017 and the applicant – (Agamdas) in M.Cr.C. No. 244 of 2018 is in jail since, 06.10.2017, this Court is inclined to release the applicants on bail in both the cases.
7. Consequently, both the applications **M.Cr.C. No. 346 of 2018** and **M.Cr.C. No. 244 of 2018** filed under Section 439 of the Cr.P.C. are hereby allowed. 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 each 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