

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 201 of 2018

1. Jitendra Sahu S/o Lalluram Sahu, Aged About 32 Years R/o Ward No. 03, Saja, Police Station Saja, District Bemetara Chhattisgarh, Chhattisgarh
2. Rajkumar S/o Bhojkumar Chandrakar, Aged About 22 Years R/o Ward No. 04, Saja Police Station Saja, District Bemetara Chhattisgarh, District : Bemetara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through S H O, Police Station Saja, Government Pleader, Bemetara, District Bemetara Chhattisgarh , Chhattisgarh

---- Respondent

For Applicants	:	Shri Vaibhav A. Goverdhan, Advocate.
For Non-applicant/State	:	Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicants for grant of regular bail. The applicants have been arrested on 19-12-2017 in connection with Crime No.488/2017 registered at P.S. - Saja, District Bemetara, Chhattisgarh, for the offence under Section 34(2) of the C.G. Excise Act.
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in custody since 19-12-2017. Hence, they may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 5.430 bulk liter illicit liquor has been seized from the possession of the applicants. Also, against this applicants one previous case for the offence under the C.G. Excise Act are registered. Hence, they are not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the case diary.

5. Considered the submissions made and the contents of the case diary. Though there are one previous case registered against this applicant, but conviction or acquittal of the applicants have not been reported in any of those cases, further in the present matter detention of the applicants till completion of investigation and trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.

6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha