

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 583 of 2018

1. Ganesh Bhoi S/o Meghu Bhoi Aged About 42 Years R/o Village Bazarpara, Ward No. 10, Police Station And Tahsil Saraipali, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
2. Deepak S/o Santram Nishad Aged About 29 Years R/o Village Jhilmila, Ward No. 7, Police Station And Tahsil Saraipali, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Singhoda, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Applicants	:	Shri Vikash Pradhan, Advocate.
For Non-applicant/State	:	Shri Ashok Swarnkar, 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. 12/2017, registered at Police Station- Singhoda, District – Mahasamund(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 7.92 bulk liters and they were arrested on 17.12.2017.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 17.12.2017; therefore, they may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, they 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 7.92 bulk liters; offence is triable by the JMFC and the applicants are in jail since 17.12.2017, 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. 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.
7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha