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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 797 of 2018**

1. Shripati Rana S/o Baaso Aged About 60 Years Caste Kumhar, R/o Village Sitapur, Police Station Basna, Civil And Revenue District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Gajpati Patel S/o Khageshwar Aged About 35 Years Caste Aghariya, R/o Village Remanda, Police Station Basna, Civil And Revenue District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
3. Subhash S/o Trilochan Sahu Aged About 38 Years Caste Teli, R/o Village Sitapur, Police Station Basna, Civil And Revenue District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station, Basna, Civil And Revenue District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants : Shri Sunil Verma, Advocate.
 For the Respondent/State : Shri Wasim Miyan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.02.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.3 of 2018, registered at Police Station Basna, District – Mahasamund, Chhattisgarh 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 40 bulk liters and they were arrested on 1.1.2018.

3. Learned counsel for the applicants submits that the applicants are in jail since 1.1.2018 and the applicants have been falsely implicated in this case; therefore, they may be released on bail.

4. On the other hand, learned counsel for the State 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 15 bulk liters; offence is triable by the JMFC and the applicants are in jail since 1.1.2018, this Court is inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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 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