

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 809 of 2018**

1. Pappu @ Tukeshwar S/o Shri Ratthuram Aged About 22 Years R/o Village Ghoghara, Tahana Tendukona, Tahsil Pithora, Civil And Revenue Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
2. Rakesh Sahu S/o Shri Janak Ram Sahu Aged About 23 Years R/o Village Ghoghara, Tahana Tendukona, Tahsil Pithora, Civil And Revenue Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Applicants**Versus**

The State Of Chhattisgarh Through The Station House Officer Police Out Post Bundeli, Police Station Tendukona, Civil And Revenue Distt. Mahasamund Chhattisgarh.

---- Respondent

For the Applicants : Shri Sunil Sahu, 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.2 of 2018, registered at Police Station Tendukona, Outpost Bundeli, 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 30 bulk liters and they were arrested on 6.1.2018.

3. Learned counsel for the applicants submits that the applicants are in jail since 6.1.2018 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 three previous antecedents under the provisions of Indian Penal Code and one case is under the provisions of Code of Criminal Procedure.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 30 bulk liters; offence is triable by the JMFC and the applicants are in jail since 6.1.2018, 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