

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1012 of 2018**

1. Hemlal Chelak S/o Barturam Chelak, Aged About 32 Years, R/o Kachlon, Police Station Simga, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Pradeep Maheshwari S/o Prabhu Maheshwari, Aged About 19 Years, R/o Kachlon, Police Station Simga, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Simga, District Baloda Bazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicants – Shri C.R. Sahu, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****19-02-2018**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 18-01-2018 in connection with Crime No.19/2018 registered at P.S. Simga, District Baloda Bazar-Bhatapara, 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 18-01-2018. 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 8.940 bulk liter illicit liquor has been seized from the possession of the applicants. Also, earlier there is one proceeding of preventive nature under the provision of Cr.P.C. against the applicants. Hence, they are not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.

5. Considering the submissions made and the contents of the case diary, detention of the applicants till conclusion of the trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.

6. Consequently, this application filed by the applicants 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 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 Court, for their appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge