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HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 1402 of 2018

1. Jitendra Sahu S/o Shri Lakhan Sahu Aged About 19 Years R/o.- Village Kosrangi P.S. Kharora, District- Raipur, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Goverdhan Sahu Shri Beniram Sahu Aged About 20 Years R/o.- Village Kosrangi P.S. Kharora, District- Raipur, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station Kharora District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicant – Shri Ajay Mishra, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-03-2018

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 11-1-2018 in connection with Crime No.415/2017 registered at P.S. - Kharora, District Raipur, 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 11-1-2018. Hence, they may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that in total 5.580 bulk liters illicit liquor has been seized from the possession of the applicants. Also, against the applicants 01 previous case for the offence under the provisions of C.G. Excise, Act, is registered. Hence, they are not entitled for grant of bail.
4. In reply, counsel for the applicants submits that the applicants were on bail in previous case before arrest in this case.
5. Heard learned counsel for both the parties and perused the case diary.
6. Considered the submissions made and the contents of the case diary. Though there is 01 previous case registered against the applicants, but conviction or acquittal of the applicants has not been reported in the said case, further in the present matter detention of the applicant till completion of investigation and trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.
7. 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 in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge