

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1344 of 2018

1. Sunil Bahekar S/o Hannu Ji Bahekar Aged About 42 Years R/o.- Ganesh Ward No. 10 Post Office, Police Station And Tahsil- Dongargarh, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
2. Rohan Choudhary S/o Ramesh Choudhary Aged About 21 Years R/o.- Ganesh Ward No. 10 Post Office, Police Station And Tahsil- Dongargarh, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Dongargarh, District- Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate.
For Non-applicant/State	:	Shri V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-02-2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who have been arrested in connection with Crime No. 39/2018, registered at Police Station- Dongargarh, District – Rajnandgaon(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants was found to be in possession of illicit liquor measuring about 09.720 bulk liters and they were arrested on 5.2.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and they are in jail since 5.2.2018; therefore, he may be released on bail.
4. Learned State counsel 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 09.720 bulk liters; offence is triable by the JMFC and the applicants are in jail since 5.2.2018, 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