

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1538 of 2018**

1. Govind S/o. Milan Nishad Aged About 49 Years
2. Hirendra S/o Govind Nishad, Aged About 20 Years,

Both R/o- Village Keshtara, Chowki Chandanu, Police Station
Nandghat, District- Bemetara, Chhattisgarh.

---- Applicants**Versus**

The State Of Chhattisgarh Through- The Station House Officer, Police
Chowki- Chandanu, Police Station Nandghat, District- Bemetara,
Chhattisgarh.

---- Respondent

For Applicants : Mr. P.P. Sahu, Advocate
For Respondent : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No. 50/2018, registered at Police Station- Nandghat, Police Chowki- Chandanu, District – Bemetara (C.G.) 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 60.480 bulk liters and they were arrested on 04.02.2018.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 04.02.2018; therefore, they 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, two case under 36 (C) of Excise Act and one case under 34 (1) of Excise Act of the year 2015 and one case is of preventive nature of Cr.P.C. is reported against the applicant No.1, hence, it is prayed that the applicants may not be enlarged on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 60.480 bulk liters; offence is triable by the JMFC and the applicants are in jail since 04.02.2018, 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.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge