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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1504 of 2018**

1. Hemant Nayak & Anr. S/o Shri Gangaram Nayak Aged About 30 Years R/o- Village- Junwani Kala, Thana And Tahsil- Bagbahra, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Pukhraj @ Poku Chandrakar S/o Shri Ramesh Chandrakar Aged About 30 Years R/o- Ward No. 12 Tendulotha Bagbahra, Thana And Tahsil- Bagbahra, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants**Versus**

- The State Of Chhattisgarh Through- The Station House Officer, Police Station- Bagbahra, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants : Shri Sunil Sahu, Advocate.

For the Respondent/State : Shri Anant Bajpai, PL.

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 applicant, who have been arrested in connection with Crime No. 14/2018, registered at Police Station – Bagbahra, District – Mahasamund, (C.G), for the offences under Section 34 (2) of the C. G. Excise Act.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and they are in jail since 07.01.2018. The applicants are simply employee and was working on the instruction of the owner of tractor and while working, they were transporting the said liquor, which has been seized from their possession. They are not connected in the said offence. The case is triable by JMFC and the presiding officer of the Court has been transferred and the Court is lying vacant, therefore, trial is likely to take some time for its completion. The applicants are ready to abide by all the conditions which may be imposed while granting bail to the applicants, hence, it is prayed that they may be released on bail.
3. Learned counsel for the State opposes the bail application and submits that seizure of illicit liquor is of huge quantity and for this reason, the applicants are not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. On the date of incident the tractor in which 360.00 bulk litres illicit liquor was being transported and that was seized from the joint possession of the present applicants. Hence, this case.
6. Considering the submissions made by learned counsel, contents of the case diary and looking to the facts of this case that in the present situation, the trial shall resume after taking charge of the presiding officer of the concerned Court. The applicants are local resident of District- Mahasamund and ready to abide by all the conditions which may be imposed while granting bail to the applicants, hence, for these reasons, I am of the view that it is a fit case where the applicants are

entitled for grant of bail.

7. 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 each of them furnishing a personal bond for a 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.

Sd /-

(Rajendra Chandra Singh Samant)

Judge