

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2026 of 2018

1. Anand Patel & Anr. S/o Komal Patel Aged About 26 Years R/o R.T.O. Office Rawanbatha, Khamtarai, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Omprakash Dewar S/o Mahipal Dewar Aged About 23 Years R/o R.T.O. Office Rawanbatha, Khamtarai, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khamtarai, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. C.R. Sahu, Advocate.
For Non-applicant/State	:	Mr. Neeraj Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-04-2018

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. 77/2018, registered at Police Station- Khamtarai, District – Raipur(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 6.300 bulk liters and they were arrested on 31.1.2018.
3. Learned counsel for the applicant submits that the applicants have falsely been implicated in this case and they are in jail since 31.1.2018; 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, 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 6.300 bulk liters; offence is triable by the JMFC and the applicants are in jail since 31.1.2018, 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