

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1129 of 2018

1. Girija Shanker & Ors. S/o Harilal Jangde Aged About 31 Years , District : Raipur, Chhattisgarh
2. Sunil Bandhe S/o Ajuram Bandhe Aged About 31 Years R/o- Village Khorsi, Police Station Kharora, District- Raipur C.G., District : Raipur, Chhattisgarh
3. Rajesh Kumar Bandhe S/o Ajuram Bandhe Aged About 35 Years R/o- Village Khorsi, Police Station Kharora, District- Raipur C.G., District : Raipur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Kharora, District Raipur (C.G.), District : Raipur, Chhattisgarh

---- Respondent

MCRC No. 2127 of 2018

- Rakesh Chaturvedi S/o Bholaram Chaturvedi Aged About 25 Years R/o- Village Lanja, Police Station Kharora, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Rekhraj Baghel, Advocate.
For Non-applicant/State	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-04-2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.

2. Both these applications are 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. 49/2018, registered at Police Station- Kharora, District – Raipur(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
3. The prosecution alleges that the applicants were found to be in joint possession of illicit liquor measuring about 216 bulk liters of all the applicants without there being any licence to keep the same. Hence, this case.
4. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and applicants in MCRC No.1129/2018 are arrested on 29.1.2018 and applicant in MCRC No.2127/2018 is arrested on 5.3.2018; therefore, they may be released on bail.
5. 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.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 216 bulk liters; offence is triable by the JMFC and applicants in MCRC No.1129/2018 are arrested on 29.1.2018 and applicant in MCRC No.2127/2018 is arrested on 5.3.2018, this Court is inclined to release the applicants on 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 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha