

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2249 of 2018

1. Sanjay Kumar Dhritlahre S/o Kunwar Lal Dhartilahre, Aged About 35 Years, R/o- Village- Khairghat, Police Station Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Shiv Prasad @ Amarchand Sahu S/o Sarju Sahu, Aged About 37 Years, R/o- Village- Bansakra, Police Station Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Station House Officer, Police of Police Station Simga, District- Baloda Bazar - Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicants – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-05-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicants have been arrested on 14-03-2018 in connection with Crime No.70/2018 registered at Police Station Simga, District- Baloda Bazar-Bhatapara, Chhattisgarh for the offence under Section 34(2), 36 of C.G. Excise Act (in short 'the Excise Act').
2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. They are in custody since 14-03-2018. Hence, they may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 304.200 bulk liter illicit liquor has been seized from the possession of the applicants. Also, there are two previous cases under Section 34(2) of the Excise Act registered against the

applicants in the year 2016. Hence, they are not entitled for grant of bail.

4. In reply, learned counsel for the applicants submits that the applicants were at liberty in previous matters when they were arrested in the present matter.

5. Heard learned counsel for both the parties and perused the case diary.

6. Considering on the submissions made and the contents of the case diary, detention of the applicants till conclusion of the trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.

7. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge