HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2791 of 2018

1. Devprasad, S/o. Shyamlal Sahu, Aged About 43 Years,
2. Narottam, S/o. Mahadev Manikpuri, Aged About 29 Years,

R/o. Village Nagarda, Police Station- Bilaigarh, Distt. Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Bilaigarh, Distt. Baloda Bazar- Bhatapara, Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/04/2018

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.149/2018, registered at Police Station- Bilaigarh, District – Baloda Bazar – Bhatapara (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 7.200 bulk liters and they were arrested on 09.04.2018.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 09.04.2018; 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 7.200 bulk liters; offence is triable by the JMFC and the applicants are in jail since 09.04.2018, 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

Balram