

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3035 of 2018**

1. Pardeshi S/o Parshu Pardhi Aged About 52 Years
2. Sonu, S/o. Arjun Pardhi (wrongly mentioned as Paridh in the impugned order) Aged About 31 Years.

Both R/o Village Khisora, Police Chowki, Devkar, P.S. Saja, District Bemetara, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : Police Chowki, Devkar, Revenue and Civil District Bemetara Chhattisgarh.

---- Respondent

For Applicants : Mr. Keshav Prasad Gupta, Advocate
 For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/05/2018**

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.116/2018, registered at Police Station- Saja, Chowki - Devkar, District – Bemetara (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 8.250 bulk liters and they were arrested on 13.04.2018.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 19.03.2018; therefore, he 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, 10 previous cases have been registered against the applicants between 2009 to 2012 in which some cases are under the provisions of Indian Penal Code and some cases are registered under preventive proceedings of Cr.P.C., hence, he is not entitled for grant of bail.
5. In reply, it is submitted by the learned counsel for the applicants that the applicants were at liberty when they were arrested in this case, therefore, they may be released on bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 8.250 bulk liters; offence is triable by the JMFC and the applicants are in jail since 19.03.2018, 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.
8. 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