

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C. No. 3089 of 2018**

- Virendra Bariha S/o Dashrath Bariha Aged About 30 Years R/o Village And Post Singhanpur, Thana And Tahsil Basna, Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh
- Narendra Soni S/o Vrindalal Soni Aged 27 years, R/o Village And Post Singhanpur, Thana And Tahsil Basna, Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through The Police Station Basna, Distt. Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh.

**---- Respondent**

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| For Applicant  | : | Mr. Sanjay Agrawal, Advocate.  |
| For Respondent | : | Mr. Vinod Tekam, Panel Lawyer. |

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**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 applicant who have been arrested in connection with Crime No.101/2018, registered at Police Station- Basna, District –Mahasamund, (C.G.) for the offence punishable under Sections 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 171 bulk liters and they were arrested on 06.03.2018.

3. Learned counsel for the applicants submits, that the applicants have falsely been implicated in this case and they are in jail since 06.03.2018, 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 illicit liquor is 171 bulk liters; offence is triable by the JMFC and the applicants are in jail since 06.03.2018, 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 each of them 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.

**Sd /-**

**(Rajendra Chandra Singh Samant)**  
Judge