

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3234 of 2018**

1. Gangaram Yadav, S/o. Bhagwatiya Yadav, Aged About 36 Years, R/o.- Lahngapali, Tahsil- Pussaur, P.S. Jutmil, District- Raigarh, Chhattisgarh.
2. Naveen Yadav, S/o. Subhash Yadav, Aged About 23 Years, R/o.- Netnagar, Tahsil- Pussaur, District- Raigarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through- The Station House Officer- Outpost Jutmil, P.S. Kotwali, Raigarh, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicants : Mr. M.K. Jaiswal, Advocate
 For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/05/2018**

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.274/2018, registered at Police Station- Kotwali, Outpost- Jutmil, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 34 (1) A (2), 59 of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 26.100 bulk liters and they were arrested on 17.03.2018.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 17.03.2018; 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, one previous case under the provisions of Excise Act and two prosecution under the provisions of Indian Penal Code are registered against the applicant No.1, hence, he is not entitled for grant of bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 26.100 bulk liters; offence is triable by the JMFC and the applicants are in jail since 17.03.2018, 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 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