

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3365 of 2018

1. Jagjeevan Kurre S/o Guharam Kurre, Aged About 45 Years, R/o- Panchshil Gurunanak Ward Bhatapara, Thana- Bhatapara, District- Balauda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Pramod Gendre S/o Chhabilal Gendre Aged About 20 Years, R/o- Panchshil Gurunanak Ward Bhatapara, Thana- Bhatapara, District- Balauda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Station- Bhatapara City, District- Balauda Bazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicants – Shri Samir Singh, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-05-2018

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 29-04-2018 in connection with Crime No.122/2018 registered at P.S. Bhatapara City, District- Balauda Bazar-Bhatapara, Chhattisgarh for the offence under Section 34(2) of the 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 29-04-2018. Hence, they may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 6.840 bulk liter illicit liquor has been seized from the possession of the applicants. Also, there is one previous case under the provisions of the IPC registered against applicant No.2. Hence, they

are not entitled for grant of bail.

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

5. Considered on the submissions made and the contents of the case diary. Though one previous case under the provisions of the IPC has been reported against applicant No.2, but, conviction or acquittal of applicant No.2 in the said previous case has not been reported, further, in the present matter, detention of the applicants till conclusion of the trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.

6. 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.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge