

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 3451 of 2018**

1. Mithlesh @ Golu Kashyap, S/o. Shri Radheshyam Kashyap, Aged About 29 Years,
  2. Raghvendra Yadav, S/o. Shri Ramkrishna Yadav, Aged About 30 Years,
- Both R/o.- Village- Tifra, Thana- Sirgitti, Tahsil, Civil and Revenue, District- Bilaspur, Chhattisgarh.

**---- Applicants****Versus**

The State Of Chhattisgarh, Through- The Station House Officer, Police Station- Sirgitti, Civil and Revenue District- Bilaspur, Chhattisgarh.

**---- Respondent**

For Applicants : Mr. Sunil Sahu, Advocate  
 For Respondent : Ms. Smita Ghai, Panel Lawyer

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****16/05/2018**

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.137/2018 (wrongly mentioned as 138/18 in the order), registered at Police Station- Sirgitti, District – Bilaspur (C.G.) for the offence punishable under Section 34 (1) A (2) of the Chhattisgarh Excise Act and Section 4 of Public Gambling Act, 1867.

2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 6.480 bulk liters and they were arrested on 30.04.2018.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 30.04.2018; 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, two previous cases of preventive nature under the provisions of Cr.P.C. and one case under the provisions of Gambling Act are registered against the applicants, hence, they are 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 6.480 bulk liters; offence is triable by the JMFC and the applicants are in jail since 30.04.2018, 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