

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3516 of 2018**

1. Manoj Yadav S/o Debu Yadav aged About 25 Years R/o- Mahapur, Police-Station-Kauwakola, District- Nawada, Bihar, presently residing at village Rajnagar, Anuppur, Chhattisgarh.
2. Indraj Yadav S/o Brijpal, aged about 40 years, R/o Gajendrapur, District Police Station Ghanapur, U.P., presently residing at Rajkishore Nagar, Sarkanda, Bilaspur, Tahsil and District Bilaspur, Chhattisgarh.

**---- Applicants**

**Versus**

- State Of Chhattisgarh Through- Police-Station-Pandariya, District Kabirdham, Chhattisgarh

**---- Respondent**

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| For Applicant           | : | Mr. Mahendra Dubey, Advocate.  |
| For Non-applicant/State | : | Mr. Vinod Tekam, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**17-05-2018**

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. 63/2018, registered at Police Station- Pandariya, District –Kabirdham(C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case. It is submitted that applicants are in jail since 29.4.2018. Both the applicants are driver and helper in the vehicle and they were transporting the liquor measuring about 338.940 bulk liters on the instructions given by the vehicle owner to some other person concerned. Hence, they are not directly involved and their possession was only in capacity of carrier, hence, they are entitled for grant of bail.

3. 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.
4. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 338.940 bulk liters; offence is triable by the JMFC and the applicants are in jail since 29.4.2018, this Court is inclined to release the applicants on bail.
5. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**

Nisha