

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3543 of 2018**

1. Nandu @ Nand Kumar, S/o Arjun Patel Aged About 22 Years R/o- Village- Karhibazar, Police Chowki- Karhibazar, Police Station- City Kotwali, Balodabazar, District (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh.
2. Rakesh @ Chhottu S/o Mangal Prasad Banjare Aged About 19 Years R/o- Village- Karhibazar, Police Chowki- Karhibazar, Police Station- City Kotwali, Balodabazar, District (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- Police Station- City Kotwali Balodabazar, District (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh.

---- Non-Applicant

For Applicants: Shri Anand Kesarwani, Advocate.
 For State/Non-Applicant: Shri Dilman Rati Miz, Dy. Govt. Advocate.

Single Bench: Hon'ble Shri Pritinker Diwaker, J
Order On Board

21.5.2018

1. The Applicants have filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as they are in custody since 28.04.2018 in connection with Crime No.226/2018 registered at Police Station –City Kotwali, Balodabazar, District (Revenue & Civil) Balodabazar-Bhatapara, (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per the case of the prosecution, on 28.4.2018, the Applicants were found in illegal possession of 5,400 bulk liters of country made liquor.
3. Learned Counsel for the Applicants submits that the Applicants are

innocent and have been falsely implicated in the alleged crime. He submits further that there are no previous criminal antecedents of similar offence against the Applicants and are therefore liable to be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Considering the totality of the facts and circumstances of the case, in particular, the quantity of liquor seized, the fact that the applicants are in jail since 28.4.2018 and that there are no previous criminal antecedents of similar offence against them, without further commenting on merits, this Court is of the opinion that this is a fit case where the Applicants can be released on bail. Accordingly, the application is allowed and the accused/Applicants are directed to be released on bail on their furnishing a personal bond of Rs.50,000/- each with one surety for the like sum to the satisfaction of the Court of the concerned Magistrate for their appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
V. JUDGE