

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3534 of 2018**

1. Raja Yadav, S/o. Shri Aajuram Yadav, Aged About 25 Years
2. Durgesh Gupta, S/o. Shri Vidyanand Gupta, Aged About 40 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. Sumit Shrivastava, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****18/05/2018**

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. 138/2018, 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 (A) of Public Gambling Act, 1867.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 6.120 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, the applicants have no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.120 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 in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge