

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3789 of 2018

1. Narad S/o Sukhnandan Thakur Aged About 31 Years R/o- Village- Tarkori, Police Station Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh
2. Girvar S/o Bhagat Netam Aged About 26 Years R/o- Village- Tarkori, Police Station Dhamdha, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicants

Versus

- The State Of Chhattisgarh Through- The Station House Officer, Police Station Berla, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Respondent

 For Applicants :Mr. R.K. Pali, Advocate

For Respondent/State :Mr. Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

08/06/2018

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 on 25-4-2018 in connection with Crime No. 100 of 2018, registered at Police Station Berla, District Bemetara (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act, 1915.
2. The allegation of the prosecution against the applicants is that the applicants were found in possession of illicit liquor measuring total about 6.885 liters and they were arrested on 25-4-2018 for the said offence.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and they are in jail since 25-4-2018, therefore, they may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he submits that as per the information received from the concerned Station House Officer the applicants have no antecedent of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.885 liters; there is no antecedent of the applicants of similar offence and the applicants are in jail since 25-4-2018, 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 and it is directed that the applicants shall be released on bail on each of them 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 before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(Ram Prasanna Sharma)
Vacation Judge