

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 3991 of 2018

1. Jaysingh Kshatriya S/o Anamo Kshatriya, aged about 69 years.
 2. Rahul @ Vijay Shankar Viswkarma S/o Nunkar Viswkarma, aged about 23 years.
- Both are R/o Ward No.11, Bajrang Chowk, Nayapara, Mahasamund, Police Station, Tahsil and District Mahasamund (C.G.).

---Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police Station - Mahasamund, District Mahasamund (C.G.).

---Respondent

For petitioner	:	Shri Vikas Pradhan, Advocate.
For State	:	Shri Prasoon Bhaduri, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh SamantOrder on Board01/06/2018

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 in connection with Crime No.215/2018, registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit country made liquor measuring about 46.8 liters and they were arrested on 17/05/2018 & 18/05/2018 respectively.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 17/05/2018 & 18/05/2018 respectively; 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 46.8 liters; offence is triable by the JMFC and the applicants are in jail since 17/05/2018 & 18/05/2018 respectively, 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.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE

Sumit