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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4114 of 2018**

1. Chandan Sahni S/o Satto Sahni Aged About 30 Years R/o Rajiv Nagar, Mahoba Bazar, Police Station- Mahoba Bazar Post Office Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Ajju @ Raju S/o Mohar Ali, Aged About 32 Years R/o Dhimar Para, Kota, Police Station Saraswati Nagar, Post Office Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Ikbal Khan S/o Abbas Khan, Aged About 32 Years R/o Kukri Para, Near Dargah, Old Basti, Post Office Raipur, Tahsil And District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Officer In Charge Police Station Saraswati Nagar Raipur, Tahsil And District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Badruddin Khan, Advocate.
 For the Respondent/State : Shri Adhiraj Surana, Dy. G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.06.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 preferred by the applicants before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.88 of 2018, registered at Police Station Saraswati Nagar, District – Raipur, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that on 23.5.2018, Sub-Inspector – Sushil Chandra Karsh, Police Station Saraswati Nagar, Raipur seized 5.220 bulk litres of country-made liquor from applicant – Ikbal Khan, 5.940 bulk litres of country-made liquor from applicant – Chandan Sahni and 5.580 bulk litres of country-made liquor from applicant – Ajju @ Raju.

4. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in this case; therefore, they may be released on bail.

5. On the other hand, learned counsel for the State 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.

6. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time and the applicants are in jail since 23.5.2018, this Court is inclined to give benefit of Section 439 of the Cr.P.C to the present applicants.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that if the applicants furnish one solvent surety for a sum of Rs.15,000/- each alongwith a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that they will

appear before the trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, they shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Vacation Judge

Nimmi