

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 4763 of 2018**

1. Anand Kumar Rathore, S/o. Ashok Kumar Rathore, Aged About 27 Years,
  2. Santosh Bareth, S/o. Mannu Lal Bareth, Aged About 22 Years,
  3. Deepak Bareth, S/o. Laha Ram Bareth, Aged About 24 Years,
- All are R/o- Village- Sukli, P.S. And Tahsil- Janjgir, District- Janjgir-Champa, Chhattisgarh.

**---- Applicants****Versus**

State Of Chhattisgarh, Through- S.H.O. Janjgir, District- Janjgir-Champa, Chhattisgarh.

**---- Respondent**

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| For Applicants | : | Mr. Ravindra Sharma, Advocate |
| For Respondent | : | Mr. Vinod Tekam, Panel Lawyer |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****13/07/2018**

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. 349/2018, registered at Police Station- Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Section 34 (2) & 59 (A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant No.1, 2 & 3 were found to be in possession of illicit liquor measuring about 5.04, 3.960 and 3.6 bulk liters respectively and they were arrested on 16.06.2018.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since

16.06.2018; 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, two preventive proceedings under the provisions of Cr.P.C. are registered against the applicant No.1 and one prosecution under the provisions of Indian Penal Code is registered against the applicant No.2 and 3. Therefore, they may not be released on bail.
5. Taking into consideration the totality of the circumstances and further taking into consideration the quantity of liquor seized liquor from these applicants; the offence is triable by the JMFC and the applicants are in jail since 16.06.2018, 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 as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge