

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5243 of 2018**

1. Mukesh Sahu, S/o. Sundaru Sahu, Aged About 25 Years, Caste Teli, R/o. Village Charbhata, Tehsil Dongargarh, District- Rajnandgaon, Chhattisgarh.
2. Sundaru Sahu, S/o. Ramnath Sahu, Aged About 55 Years, R/o Village Charbhata, Tehsil Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through- The Police Station Baghnadi District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. S.S. Baghel, Advocate
For Respondent	:	Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**01/08/2018**

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.26/2018, registered at Police Station- Baghnadi, District – Rajnandgaon (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 liquor measuring about 17.280 liters and they were arrested on 06.07.2018.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 06.07.2018; 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, 1 previous preventive proceeding under the provisions of Cr.P.C., 1 case under the provisions of Excise Act and 1 prosecution under Indian Penal Code are registered against the applicants. Therefore, they may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 17.280 liters; offence is triable by the JMFC and the applicants are in jail since 06.07.2018, 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