

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5325 of 2018

1. Daulat Sahu S/o Late Punni, Aged About 28 Years, R/o Village Chaurenga, Police Station Simga, District Baloda Bazar - Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Mahesh Dhritlahre S/o Bhagatram Dhritlahare, Aged About 22 Years, R/o Village Madharkhurd Police Station Simga, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Simga, District Baloda Bazar - Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

For Applicants – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-08-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicants for grant of regular bail. The applicant No.1 has been arrested on 14-07-2018 and applicant No.2 has been arrested on 15-07-2018 in connection with Crime No.219/2018 registered at P.S. - Simga, District Baloda Bazar Bhatapara, Chhattisgarh for the offence under Section 34(2) of C.G. Excise Act (in short 'the Excise Act').

2. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. Applicant No.1 is in jail since 14-07-2018 and applicant No.2 is in jail since 15-07-2018. Hence, it is prayed that the applicants may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 5.760 bulk liter illicit liquor has been seized from the possession of the applicants. Also, there are two previous cases under the provisions of the Excise Act registered against the applicants.

Hence, they are not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. Considered on the submissions made and the contents of the case diary. Though two previous cases under the provisions of the Excise Act have been reported against the applicants, but conviction or acquittal of the applicants in the said cases has not been reported, further, in the present matter, detention of the applicants till conclusion of the trial would not serve any purpose. Hence, for these reasons the application deserves to be allowed.

6. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge