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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5404 of 2018**

1. Dalendra Kumar S/o Kanhaiyalal Joshi Aged About 21 Years R/o- Village Khatti, Caste- Satnami, Police Station Khallari, Tahsil Bagbahara, District- Mahamsamund, Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Likharam S/o Chhannulal Aged About 20 Years R/o- Village Khatti, Caste- Satnami, Police Station Khallari, Tahsil Bagbahara, District- Mahamsamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Khallari, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants : Shri Vikash Pradhan, Advocate.
 For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.08.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.128 of 2018, registered at Police Station Khallari, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 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 10 bulk liters and they were arrested on 17.7.2018.

3. Learned counsel for the applicants submits that the applicants are in jail since 17.7.2018 and the applicants have been falsely implicated in this case; therefore, they may be released on bail.

4. 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.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 10 bulk liters; offence is triable by the JMFC and the applicants are in jail since 17.7.2018, this Court is inclined to release the applicants on bail.

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

7. 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 trial Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge