

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5498 of 2018

1. Balaji Rao Naidu S/o B. Ganesh Rao Naidu Aged About 33 Years R/o- Kathakoni P.S. Sakri Tahsil Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Ramesh Kumar Porte S/o Motilal Porte Aged About 26 Years R/o- Village Binouri Kathakoni Padav P.S. Sakri, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through- District Magistrate Bilaspur And The Excise Circle Takhatpur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Non-applicant/State	:	Mr. N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-08-2018

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. 23/2018, registered at Police Station-Excise Circle Takhatpur, District-Bilaspur(C.G.) for the offence punishable under Sections 34 1(a), 34(2) & 59(a) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 14.400 bulk liters and they were arrested on 19.07.2018.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 19.07.2018;

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, the applicant No.1 has one previous antecedent and no any previous antecedents of applicant No.2.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 14.400 bulk liters; offence is triable by the JMFC and the applicants are in jail since 19.07.2018, 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. It is directed that the applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each 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

Nisha