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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5733 of 2018**

1. Hem Lal S/o Man Singh Aged About 22 Years R/o Village Mudhipar, P.S. And Tahsil Pithora, District Mahasamud Chhattisgarh., District : Mahasamund, Chhattisgarh
2. Ram Khilawan, S/o Madan Nishad, Aged About 35 Years R/o Village Mudhipar, P.S. And Tahsil Pithora, District Mahasamud Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicants**Versus**

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

---- Respondent

For the Applicants : Ms. Pushplata Khalkho, Advocate.
 For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.08.2018**

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.123 of 2018, registered at Police Station Pithora, District – Mahasamund, Chhattisgarh 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 9 bulk liters and they were arrested on 22.7.2018.

3. Learned counsel for the applicants submits that the applicants are in

jail since 22.7.2018 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 9 bulk liters; offence is triable by the JMFC and the applicants are in jail since 22.7.2018, 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