NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6582 of 2018

1. Munnalal Tamrakar, S/o Late Suklal Tamrakar, Aged About 30 Years,

2. Vishnu Tamrakar, S/o Meghnath Tamrakar, Aged About 22 Years,

Both are R/o- Village Usmal, Police Station Khadgaon, Tahsil Mohla, District : Rajnandgaon, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station Mohla, District- Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants	: Shri Shaleen Singh Baghel, Advocate.
For Respondent/State	: Shri Vaibhav A. Goverdhan, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/09/2018

1. The applicants have preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as they are arrested in connection with Crime No. 72/2018, registered at Police Station Mohla, District – Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.

2. As per the prosecution story on 22.08.2018, on the basis of information received from the informant, during patrolling a vehicle has been searched by the Police parties and allegedly they were seized total 30 bulk litres of country made liquor from the possession of Applicant No.1 who was sitting in the back seat of the vehicle which was driven by the applicant No.2. The offence has been registered against the applicants and they were arrested on 22.08.2018.

3. Shri S.S. Baghel, learned counsel appearing on behalf of the Applicants submits that applicants are innocent and they have been falsely implicated in the present case. He further submits that there is no criminal antecedent of the applicants. He further submits that the applicants are in custody since 22.08.2018 and trial will take some more time, therefore, they may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.

5. I have heard learned Counsel for both the parties and perused the case diary.

6. Considering the facts and circumstances of the case, further considering the quantity of seized liquor, detention period of the applicants and the fact that the applicants are in custody since 22.08.2018 charge sheet has not been filed yet, therefore, trial will likely to take some more time, without further commenting on merit of the case, I am inclined to release them on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- to each with one surety for the like amount to the satisfaction of the Trial Court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge

yasmin