

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7504 of 2018**

1. Dashrath Banjare S/o Samaru Banjare Aged About 19 Years R/o Basin, Thana - Suhela, At Present R/o Gulab Dhaba , Limtara, Thana - Simga, District - Baloda Bazar, Chhattisgarh.
2. Manmohan Baghel S/o Tulsiram Baghel Aged About 19 Years R/o Village - Limtara, Thana - Simga, District - Baloda Bazar, Chhattisgarh.

---- Applicants**Versus**

The State Of Chhattisgarh Through Police Station - Simga, District - Baloda Bazar, Chhattisgarh.

---- Non-applicant

For Applicants:

Shri Samir Singh, Advocate.

For State/Non-applicant:

Shri Adil Minhaj, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****11.10.2018**

1. This is the first bail application filed by the Applicants under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') for grant of regular bail as they have been arrested on 11.09.2018 in connection with the crime No. 302/2018 registered in Police Station-Simga, District-Baloda Bazar(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. Case of the prosecution is that on the basis of secret information, a search was made on 11.09.2018, in which 27 bulk liters hand made liquor and a motor cycle was seized from the possession of the Applicants. Based upon which the alleged offence as mentioned hereinabove has been registered while arresting the Applicants on 11.09.2018.
3. Shri Samir Singh, learned counsel for the Applicants submits that the

applicants are innocent and have been falsely implicated in connection with the said crime. He submits further that the Applicants are in jail since 11.09.2018, therefore, they may be enlarged on bail.

4. On the other hand, Shri Adil Minhaj, learned counsel for the State while opposing the bail application submits that the offence is serious in nature and the alleged liquor and the motor cycle were seized from their conscious possession, therefore, the application as framed deserves to be rejected.

5. I have heard learned counsel for the parties and perused the entire case diary carefully.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor was 27 bulk liters and was recovered in conscious possession from the applicants and they are in jail since 11.09.2018, I am inclined to enlarge the Applicants on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety each in like sum to the satisfaction of the concerned trial Court for their appearance before it as and when directed, the Applicants shall be released on bail.

Sd/-

(Sanjay Agrawal)
JUDGE