

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.7529 of 2018**

1. Surendra @ Lala And Anr. S/o Shri Samaru Khunte Aged About 30 Years R/o Village Lawar Thana Masturi, District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Gangaram S/o Shri Samaru Khunte Aged About 50 Years R/o Village Lawar Thana Masturi, District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Excise Sub-Inspector, Divisional Flying Scott
Bilaspur, District - Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-Applicant

For Applicants:	Shri Anil Tawadkar, Advocate.
For State/Non-Applicant:	Shri Vaibhav A. Goverdhan, Panel Lawyer.

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

11.10.2018

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicants are arrested in connection with Crime No.57/2018 registered at Police Station – Divisional Flying Scott, District Bilaspur (CG) for the offence punishable under Sections 34(1)(a)(f), 34(2) & 59(A) of Chhattisgarh Excise Act for illegally possessing 60 bulk liters of country made liquor.
2. Case of the prosecution is that on the basis of a secret information, a search was made on 19.09.2018 in which, 60 bulk liters of country made liquor as well as 1400 kgs of “Mahua Lahan” was recovered from the possession of

the Applicants. Based upon it, the alleged offence as mentioned above has been registered while arresting the Applicants on 19.09.2018.

3. Learned Counsel for the Applicant submits that the Applicants are innocent and have been falsely implicated in the alleged crime. He submits further that the Applicants are in jail since 19.09.2018, therefore, they are liable to be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the prayer for bail, submits that the offence is of serious in nature and the alleged country made liquor was recovered from the possession of the Applicants and therefore, the bail application deserves to be rejected.

5. Having considered the facts and circumstances of the case and particularly keeping in view the quantity of liquor seized and that the Applicants are in jail since 19.09.2018, this Court is inclined to release the Applicants on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed.

Sd/-

(Sanjay Agrawal)
JUDGE