

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 8048 of 2017

1. Nikhil Yadav S/o Shri Ramkhilawan Aged About 26 Years
Occupation Sales Man Sharab Bhatti, Pandariya R/o Village
Kukdur, Police Station Kukdur, Tahsil Pandaria, District
Kabirdham Chhattisgarh., Chhattisgarh
2. Durgesh Shriwas S/o Rajkumar Aged About 22 Years Occupation
Sales Man Sharab Bhatti, Pandariya R/o Village Kukdur, Police
Station Kukdur, Tahsil Pandaria, District Kabirdham
Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

----Applicants

Versus

- State Of Chhattisgarh Through Police Station Kukdur, District
Kabirdham Chhattisgarh., Chhattisgarh

---- Respondent

For Applicants : Mr. F.S. Khare, Advocate.

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19.01.2018

Heard.

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. 106/2017, registered at Police Station- Kukdur, District – Kabirdham, (C.G.) for the offences punishable under Sections 34(1) (A), 34 (2) of the Chhattisgarh Excise Act.
2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, no case is made out against the applicants on the basis of the material in the prosecution case. After completion of investigation charge sheet has been filed. The applicants are in jail since 05.12.2017, therefore, it is prayed that the applicants may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and submission made.
4. Heard counsel for both the parties and perused the case diary.
5. Taking into consideration the totality of circumstances, in particularly the quantity of English liquor seized from the possession of the applicants i.e. 15.430 bulk liters, while the same was being transported by them.
6. Considering the submissions made and the contents of the case diary, taking into consideration the facts and circumstances of this case, it appears that no criminal antecedent is reported with respect to the applicants and they are local resident and no purpose would be served, if the applicants are kept in detention till the completion of the trial, taking into such facts, I am of the

view that it is a fit case where the applicants are entitled for grant of bail.

7. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. C.C. Today.

Sd /-

(Rajendra Chandra Singh Samant)

Judge