

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 8967 of 2018**

1. Chetan Sahu S/o Gendlal Sahu, Aged About 35 Years, R/o- Village Datrengi, Thana- Bhatapara Gramin, District- Balodabazar- Bhatapara, Chhattisgarh
2. Kundan Kumar Singh S/o Brijkishore Singh, Aged About 24 Years, R/o- Near Uslapur Over-Bridge, Bilaspur, District- Bilaspur, Chhattisgarh

**---- Applicants****Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Nandghat, District- Bemetara, Chhattisgarh

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| For Applicants       | : | Shri Mahendra Dubey, Advocate    |
| For Respondent/State | : | Shri Chandresh Shrivastava, P.L. |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****03/12/2018**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicants who are in jail since 11.09.2018 in connection with Crime No. 295/2018 registered at Police Station – Nandghat, District Bemetara (CG) for the offence punishable under Section 34-(2) of Excise Act. The earlier bail application stood dismissed as withdrawn on 24.10.2018.

2. Counsel for the applicant submits that the applicants have already remained in custody for a period of roughly 3 months and that there is no past antecedent against them and they have been falsely implicated in the present case. He submits that considering the total quantity of

liquor it is beyond imagination that the two applicants were carrying the same in a motorcycle. Thus, prayed for grant of bail to the applicants.

3. Per contra, State counsel opposing the bail application submits that it is a case where the applicants were standing near the material seized and they were in the process of selling the products to different persons and the incident is of the intervening night of 10/11-09.2018. Thus, prayed for rejection of the bail application.

4. Given the facts and circumstances of the case, particularly taking into consideration the period of custody undergone and the fact that it is a case where there are two separate seizure memos prepared and from each of the applicants roughly 60 bulk liters of foreign liquor were seized, this Court is of the opinion that prima facie a strong case for grant of bail has been made out.

5. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicants will be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with two local sureties each in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-**  
**(P. Sam Koshy)**  
**Judge**