

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.855 of 2019**

1. Manmohan Malhotra, S/o Shri Dhansay Malhotra, aged about 25 years.
 2. Vijay Kumar Nirala, S/o Shri Khoobchand Nirala, aged about 23 years.
- Both are resident of village Bhilaidadar, P.S.Komakhan, Tahsil Bagbahra, District Mahasamund (CG). **---- Applicants**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Komakhan, District Mahasamund (CG). **---- Non-applicant**

For Applicants : Mr. Sunil Sahu, Advocate.
For Non-applicant : Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

05.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court and no bail application is pending before any other Court.
2. The applicants have been arrested in connection with Crime No.10/2019 registered in Police Station Komakhan, District Mahasamund for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
3. Case of the prosecution, in brief is that on 26.01.2019, 11.200 bulk liters country made liquor has been seized from the possession of the applicants.
4. Counsel for the applicants submitted that the applicants are innocent and have been falsely implicated in the present case hence they may be released on bail.
5. Counsel for the State opposed the prayer for grant of bail. He further submitted that one case under Excise Act has already been registered against the applicant No.1-Manmohan Malhotra and no criminal antecedent is reported against the applicant No.2-Vijay Kumar Nirala in police case diary.
6. Looking to these facts and circumstances of the case, the bail application is allowed. It is directed that if the Applicant No.1-Manmohan Malhotra furnishes two solvent sureties for a sum of Rs.25,000/- each along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he will not commit any such type of offence in future.
7. It is directed that if the Applicant No.2-Vijay Kumar Nirala furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.
8. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-