

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3824 of 2019**

1. Deepak Kumar Patel S/o Santosh Aged About 30 Years
2. Avinash Nakka S/o Late Ganesh Nakka Aged About 23 Years

Both are R/o Village- Naimed, Police Station- Naimed, District- Bijapur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Police Station- Bijapur, District- Bijapur, Chhattisgarh.,

---Respondent

For Applicants	:	Mr. P. K. Tulsyan, Advocate.
For State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****07/06/2019**

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. 35/2019, registered at Police Station Bijapur, District Bijapur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. The prosecution alleges that the co-accused was found to be in possession of Foreign Liquor measuring about 14.400 Bulk Liter and he was arrested and on the basis of memorandum of co-accused present applicants have been arrested.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 25.05.2019; therefore, they may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.

5. Taking into consideration the totality of the facts and circumstances and the fact that the quantity of seized liquor is 14.400 liters; offence is triable by the J.M.F.C. and the applicants are in jail since 25.05.2019, this Court is inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and it is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Ram Prasanna Sharma)
VACATION JUDGE

Ved