

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4286 of 2019

1. Sandeep Banjare S/o Shri Narayan Banjare, Aged About 23 Years, R/o Village Sandi, P.S. Palari, District Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Palari, District Balodabazar-Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-applicant

MCRC No. 4309 of 2019

1. Madan Ogre S/o Vijay Shankar Ogre, Aged About 29 Years, R/o Village Gadakusmi, Police Station Gidhpuri, District Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Palari, District Baloda Bazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Non-applicant

For Applicant – Shri Sunil Sahu, Advocate (in MCRC No.4286 of 2019),
Shri Yogesh Kumar Chandra, Advocate (in MCRC 4309 of 2019).

For Non-applicant/State –Shri Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15-07-2019

1. As both these applications arise out of same crime number, i.e., Crime No.256/2019, registered at Police Station – Palari, District Balodabazar-Bhatapara, Chhattisgarh for offence under Section 34(2) of C.G. Excise Act, they are being decided by this common order.

2. These are first bail applications filed by the applicants under Section 439 of the Cr.P.C. before this Court for grant of regular bail. The applicants have been arrested on 21-06-2019 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been

falsely implicated in this case. They are in jail since 21-06-2019. Hence, it is prayed that the applicants may be released on regular bail.

4. Learned counsel for the State/non-applicant opposes the application submitting that both the applicants have criminal history of having been prosecuted for offence of similar nature earlier, therefore, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. 111.600 bulk liter illicit liquor has been seized from the possession of applicant Sandeep Banjare and on his memorandum statement it was reveled that the liquor was entrusted to him by applicant Madan Ogre. Hence, they are not entitled for grant of bail.

7. Considering on the submissions made and the contents of the case diary, detention of the applicants till conclusion of the trial would not serve any purpose. Hence, for these reasons, I am of the view that the application deserves to be allowed.

8. Consequently, this application filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge