

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4722 of 2019**

1. Hos Thakur S/o Shri Suresh Thakur Aged About 30 Years R/o Village Khariyar Rad, P.S. Jonk Khariyar Road, Civil And Revenue District- Nuapada, Orissa.
2. Rakesh Tandan S/o Shri Neharu Tandan Aged About 34 Years R/o Village Barekelkala, P.S.- Patewa, Tahsil, Civil And Revenue District- Mahasamund, Chhattisgarh.

---- Applicants**Versus**

The State Of Chhattisgarh Through The Station House Officer Police Station-Bagbahra , District- Mahasamund, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Sunil Sahu, Advocate.
For the Respondent/State	:	Shri Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.07.2019**

Heard.

1. This is the second bail application of the applicants. The first bail application of the applicants was dismissed as withdrawn with liberty to file the same after filing of the charge-sheet in M.Cr.C. Nos. 3900 of 2019 & 3919 of 2019 dated 14.6.2019. The applicants have been arrested in connection with Crime No.139 of 2019, registered at Police Station Bagbahra, District – Mahasamund, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 200 bulk liters and they were arrested on 3.6.2019.

3. Learned counsel for the applicants submits that the applicants are in jail since 3.6.2019 and the applicants have been falsely implicated in this case; therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicants have no previous antecedents of similar offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 200 bulk liters; offence is triable by the JMFC and the applicants are in jail since 3.6.2019, this Court is inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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 trial Court, for their appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge