

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4791 of 2019**

1. Dinesh S/o Santu Pardhi Aged About 21 Years R/o Village- Borsi, Out Post- Kandarka, Thana- Berla, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh
2. Ramkhilavan S/o Deenaram Sahu Aged About 32 Years R/o Village- Gutheli, Out Post- Kandarka, Thana- Berla, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicants**Versus**

The State Of Chhattisgarh Through Out Post- Kandarka, Thana- Berla, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh.

---- Respondent

For the Applicants : Shri Samir Singh, Advocate.
 For the Respondent/State : Shri Aditya Sharma, P.L.

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

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.203 of 2019, registered at Out post Kandarka, Police Station Berla, District – Bemetara, 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 45 bulk liters and they were arrested on 9.7.2019.

3. Learned counsel for the applicants submits that the applicants are in jail since 9.7.2019 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, applicant No.1 – Dinesh has two previous cases of excise act and four cases of preventive nature. Hence, they are not entitled for grant of regular bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 45 bulk liters; offence is triable by the JMFC and the applicants are in jail since 9.7.2019, 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