

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4996 of 2019

1. Hemlal, S/o. Gurubaru, Aged About 40 Years,
 2. Ajay Bariha, S/o. Nakul, Aged About 27 Years,
- Both R/o. Village Potapara, Thana- Saraipali, District Mahasamund Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Saraipali, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Mr. Vikash Pradhan, Advocate
For Respondent : Mr. Neeraj Pradhan, P.L..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/08/2019

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. 233/2019, registered at Police Station- Saraipali, District – Mahasamund (C.G.) 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 35 bulk liters and they were arrested on 11.07.2019.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 11.07.2019; therefore, they may be released on bail.

4. Learned State counsel 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 35 bulk liters; offence is triable by the JMFC and the applicants are in jail since 11.07.2019, 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.
7. It is directed that the applicants shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge