

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5446 of 2019**

1. Dilip Gayakwad S/o Shri Bitali Gayakwad Aged About 37 Years R/o Village Kutela, Police Station Arang, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Samir Gayakwad S/o Shri Ashok Gayakwad Aged About 26 Years R/o Village Kutela, Police Station Arang, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Arang,
District Raipur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Rekhraj Baghel, Advocate.
For the Respondent/State : Shri Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.08.2019**

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 applicants who have been arrested in connection with Crime No.438 of 2019, registered at Police Station Arang, District – Raipur, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicants alongwith three other co-accused persons were found to be in possession of illicit liquor measuring about 234.00 bulk liters and they were arrested on 30.7.2019.
3. Learned counsel for the applicants submits that the applicants are in

jail since 30.7.2019 and the applicants have been falsely implicated in this case. Similarly placed three other co-accused persons have been granted bail. Hence, it is prayed that 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 234.00 bulk liters; offence is triable by the JMFC and the applicants are in jail since 30.7.2019, 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