

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5854 of 2019

1. Tulsiram Nirmalkar, S/o Shri Sitaram Nirmalkar Aged About 36 Years R/o Village - Aatra Thana - Chhuria, Tahsil And District - Rajnandgaon Chhattisgarh.
2. Nirmal Chandravanshi S/o Shri Jagdish Chandravanshi Aged About 35 Years R/o Village - Rengakathera, Thana - Chilhati, District - Rajnandgaon Chhattisgarh.

---- Applicants

Versus

- The State Of Chhattisgarh Through The Excise Circle, Ghumka, District - Rajnandgaon Chhattisgarh.

---- Respondent

For Applicants	:	Mr. S.S. Baghel, Advocate.
For Non-applicant/State	:	Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-09-2019

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. 84/2019, registered at Police-Station-Excise Circle Ghumka, District-Rajnandgaon(C.G.) for the offence punishable under Sections 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 10.800 bulk liters and they were arrested on 21.08.2019.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 21.08.2019; 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 two previous cases proceedings of preventive nature.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 10.800 bulk liters; offence is triable by the JMFC and the applicants are in jail since 21.08.2019, 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. It is directed that the applicant shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/-each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha