

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5890 of 2019

1. Sanjay Patel, S/o Thanuram Aged About 20 Years Caste - Marar, R/o Village Gadaghat, Thana Khallari, District - Mahasamund Chhattisgarh.
2. Kamlesh Ratre S/o Mehtaru Aged About 22 Years Caste - Mehar , R/o Village Gadaghat, Thana Khallari, District - Mahasamund Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through Station House Officer, Police-Station - Bagbahara, District - Mahasamund Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate.
For Non-applicant/State	:	Mr. Jitendra Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-09-2019

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. 203/2019, registered at Police Station-Bagbahara, District-Mahasamund(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 18.720 bulk liters and they were arrested on 22.08.2019.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 22.08.2019; 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 18.720 bulk liters; offence is triable by the JMFC and the applicants are in jail since 22.08.2019, 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