

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5971 of 2019**

1. Pradeep Sahu, S/o Bhagwan Sahu Aged About 26 Years, R/o. School Para Village Awapalli Police Station Awapalli District Bijapur, Chhattisgarh.
2. Mahesh Kumar Gupta S/o Parshuram Prasad Gupta Aged About 26 Years R/o Damdapur, Police Station Janta Bazar District Chhapara Present Address Village Awapalli Police Station Awapalli District Bijapur Chhattisgarh.
3. Ijrail Khan S/o Mohd. Saleem Aged About 38 Years School Para, Village Awapalli, Police Station Awapalli District Bijapur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through The Police Station Bijapur, District Bijapur Chhattisgarh.

---- Respondent

For Applicants	:	Mr. P.K. Tulsyan, Advocate
For Respondent	:	Mr. Avinash K. Mishra, P.L.

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.77/2019, registered at Police Station- Bijapur, District – Bijapur (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 234 bulk liters and they were arrested on 23.08.2019.
3. It is submitted by the learned counsel for the applicants that the applicant No.1 is driver and the applicant No.2 and 3 are his helper,

who had been transporting the liquor on the instruction given by the co-accused Ravi Gazal from the licensed government liquor shop. The liquor that was being transported was not illicit in any manner, the applicants were arrested only because they did not have any proper paper regarding possession of the liquor. The applicants are in jail since 23.08.2019. Therefore, it is prayed that the applicants may be enlarged 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. As there is material to show in the case diary that the liquor was being transported from the government liquor shop on the instructions given by the co-accused and further considering this fact that the case is triable by JMFC and the applicants are in jail since 23.08.2019, 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.
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