

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5975 of 2019

1. Punam Nishad, S/o Sohan Nishad Aged About 32 Years Occupation - Labour, R/o Village - Parsada Khatti, Post Office And Police Station - Bhimkhoj, Tahsil & District Mahasamund Chhattisgarh.
2. Omprakash Nishad S/o Sadhram Nishad Aged About 22 Years R/o Village - Parsada Khatti, Post Office & Police Station - Bhimkhoj, Tahsil & District - Mahasamund Chhattisgarh.

---- Applicants

Versus

- State of Chhattisgarh Through Station House Officer, Police Station - Khallari, District – Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mrs. Mandvi Bhardwaj, Advocate.
For Non-applicant/State	:	Mr. C.B. Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-09-2019

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. 162/2019, registered at Police Station- Khallari, Rajim, 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 21 bulk liters and they were arrested on 26.8.2019.
3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 26.8.2019; 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 21 bulk liters; offence is triable by the JMFC and the applicant is in jail since 26.8.2019, this Court is inclined to release the applicant 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 furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha