

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 6418 of 2019**

1. Vaibhav Mohanti S/o Shri Pavitra Mohan Mohanti, Aged About 35 Years, R/o. Ward No. 12 Behind FCI Godown, Mahasamund, Tahsil And District- Mahasamund, Chhattisgarh.
2. Manoj Kumar Ghasiya, S/o. Shri Mahesh Kumar, Aged About 35 Years, R/o. Sweeper Colony Ward No. 25 Mahasamund, P.S. and District- Mahasamund, Chhattisgarh.

**---- Applicants**

***Versus***

State Of Chhattisgarh, Through : The Station House Officer, Police Station Mahasamund, District- Mahasamund, Chhattisgarh.

**---- Respondent**

For Applicants : Mr. Sumit Shrivastava, Advocate  
For Respondent : Mr. Arijit Tiwari, P.L.

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

**Order On Board**

**01/10/2019**

1. At the very outset, the learned counsel for the applicants seeks to withdraw the bail application in respect of the applicant No.2. Accordingly, the bail application in respect of the applicant No.2 is dismissed as withdrawn.
2. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant No.1 who has been arrested in connection with Crime No.371/2019, registered at Police Station- Mahasamund, District – Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise

Act.

3. The prosecution alleges that the applicant No.1 was found to be in possession of illicit liquor measuring about 75.750 bulk liters and he was arrested on 15.09.2019.
4. Learned counsel for the applicant No.1 submits that the applicant has falsely been implicated in this case and he is in jail since 15.09.2019; therefore, he may be released on bail.
5. 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 applicant No.1 has no previous cases registered against him.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 75.750 bulk liters; offence is triable by the JMFC and the applicant No.1 is in jail since 15.09.2019, this Court is inclined to release the applicant No.1 on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. in respect of the applicant No.1 is allowed.
8. It is directed that the applicant No.1 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 as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge