

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2408 of 2020

1. Bhocho @ Dorn Udaku, S/o Sundar Lal, Aged About 37 Years, R/o Village Amoda, Tahsil Baramkela, District Raigarh, Chhattisgarh.
2. Ramkumar Nishad S/o Chamru Nishad Aged About 35 Years R/o Village Amoda, Tahsil Baramkela, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Baramkela, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Prabhat Kumar Saxena, Advocate.
For Non-applicant/State	:	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-05-2020

1. Heard on default.
2. The default pointed out by the Registry is waived.
3. 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. 55/2020, registered at Police Station-Baramkela, District-Raigarh(C.G.) for the offence punishable under Sections 34(1)(A), 59(A) of the Chhattisgarh Excise Act.
4. The prosecution alleges that the applicants were found to be in possession of illicit liquor measuring about 40 bulk liters and they were arrested on 19.04.2020.
5. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 19.04.2020; there is no previous antecedents of the applicants, therefore, they may

be released on bail.

6. Learned State counsel opposes the application and submissions made by the counsel for applicants.
7. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 40 bulk liters; offence is triable by the JMFC and the applicants are in jail since 19.04.2020, this Court is inclined to release the applicants on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on his 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 their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha