

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2423 of 2020**

1. Anil Kumar Nishad S/o Late Pardeshiram Nishad Aged About 26 Years (Kumar Not Mentioned In Cause Title), By Caste Kewat, R/o Village Harradula, Tahsil And Thana Charama, District Uttar Bastar Kanker, Chhattisgarh.
2. Mahesh Nirmalkar S/o Punitram Nirmalkar Aged About 35 Years Caste Dhobi, R/o Village Mudhkhusra, Balod Gahan, Tahsil Gurur, District Balod, Chhattisgarh, At Present R/o Village Harradula, Tahsil And Thana Charama, District Uttar Bastar Kanker, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Narharpur, District Uttar Bastar Kanker, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Parag Kotecha, Advocate.
For the Respondent/State	:	Shri Mateen Siddique, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.05.2020**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.51 of 2020, registered at Police Station Narharpur, District – Kanker, Chhattisgarh 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 15 bulk liters and they were arrested on 25.4.2020.

3. Learned counsel for the applicants submits that the applicants are in jail since 25.4.2020 and the applicants have been falsely implicated in this case. There is no previous record of the applicants. Therefore, they may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail. The applicants have committed the offence during lock-down period.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 15 bulk liters; offence is triable by the JMFC and the applicants are in jail since 25.4.2020, this Court is inclined to release the applicants on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge