

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7507 of 2021

1. Rajesh Chandrakar, S/o Shri Narendra Chandrakar, Aged About 23 Years.
 2. Rupesh Mishra, S/o Shri Bhuneshwar Mishra, Aged About 23 Years.
Both R/o Tendulotha, Police Station & Tehsil- Bagbahra, District- Mahasamund (C.G.)
- Applicants**

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- Bagbahra, District- Mahasamund (C.G.)

--- Respondent

For Applicant : Mr. Arun Kumar Mishra, Advocate.
For State/ Respondent : Mr. Sanjeev Kumar Agrawal, PL.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

01/11/2021

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 on 12.09.2021 in connection with Crime No. 220/2021, registered at Police Station- Bagbahra, District- Mahasamund (C.G.) for the offence punishable under Sections 34 (2) of the Chhattisgarh Excise Act.
2. Case of the prosecution in brief is that on 12.09.2021, secrete information was received by the police that the applicants are transporting liquor by motorcycle CG 06 A 8616 illegally. The police conducted raid and recovered 15 bulk liter of country made liquor from their possession, therefore, the offence under Section 34 (2) of the Excise Act has been registered against the applicants.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in the crime in question. He would further submit that the applicants have no previous

criminal antecedents and they are in custody since 12.09.2021 and the trial is likely to take some time for its final disposal. Hence, it is prayed that this applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposing the bail application submits that there is clear allegation against these applicants regarding commission of offence. He would further submit that there six cases have been initiated against applicant No. 1- Rajesh Chandrakar and one case has been initiated against applicant No. 2- Rupesh Mishra, but details of the same have not been brought to the notice of this Court. Hence, the application for grant of bail may be rejected.
5. Heard learned counsel for both the parties and perused the case diary.
6. Perusal of the case diary would reveal that 15 bulk liter of country made liquor has been recovered from possession of the applicants.
7. Considering the facts and circumstances of the case, quantity of illicit liquor, the applicants are in jail since 12.09.2021 and the fact that the offence is triable by Magistrate and that conclusion of the trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicants.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one surety each in the like amount to the satisfaction of the concerned trial court. They shall appear before the trial court on each and every date given by the said trial court, till disposal of the trial.

Certified copy today.

Sd/-
(Narendra Kumar Vyas)
Judge