

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8168 of 2021

1. Chandan S/o Shri Jai Singh Khairwar, Aged About 26 Years, R/o Village Gaardih Thana Saliha, District Balodabazar Bhatapara Chhattisgarh,
 2. Dileep Kumar S/o Shri Abhimanyu Khairwar, Aged About 19 Years, R/o Village Gaardih, Thana Saliha District Balodabazar Bhatapara Chhattisgarh,
- Applicants**

Versus

State of Chhattisgarh Through The Station House Officer,
Police Station Gidhouri, District Balodabazar Bhatapara
Chhattisgarh,

---Respondent

For Applicants : Mr. Sunil Sahu, Advocate

For Respondent/State : Ms. Ishwari Ghritlahare, Panel Lawyer

Hon'ble Smt. Justice Rajni Dubey

Order On Board

01/11/2021

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 08.10.2021 in connection with Crime No. 134/2021 registered at Police Station Gidhouri District Balodabazar-Bhatapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. According to the case of the prosecution on 08.10.2021 the police received a secret information from the informant that the applicants namely Chandan and Dileep Kumar was transporting illegal liquor in a motorcycle bearing No.C.G.-22-S-7018 when they were intercepted, the police seized 60 bulk

liter of country made liquor from the possession of the applicants.

3. Learned counsel for the applicants submit that the applicant have been falsely implicated in this case as no seizure was made in person from him. He further submits that the applicants are in jail since 08.10.2021 and the alleged seizure having been made, no further investigation is necessary, therefore, he may be enlarged on bail.
4. On the other hand, counsel for the State opposed the prayer for bail. However, he submits that there are no criminal antecedents against the applicants.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 60 bulk liters; offence is triable by the JMFC and the applicants are in jail since 08.10.2021, this Court is inclined to release the applicants on bail.
6. Accordingly, the application is **allowed** and it is directed that on applicants furnishing a personal bond in the sum of Rs. 50,000/- each with one solvent surety to the satisfaction of the concerned Court, they shall be released on bail. The applicants however, shall ensure their appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-

(Rajni Dubey)
Judge