

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8784 of 2021**

1. Wasalwar Gopal Rao S/o V. Sadashiv Rao Aged About 45 Years R/o Housing Board Colony, Bhilai, Tehsil And District Durg Chhattisgarh.
2. Kamaljeet Singh S/o Mahender Singh Aged About 30 Years R/o Housing Board Colony, 32 Acre, L.I.G. 2/196, Bhilai, Tehsil And District Durg Chhattisgarh.

---- Applicants**Versus**

1. State of Chhattisgarh Through City Durg (East), District Durg Chhattisgarh.

---- Respondent

For Applicants - Ms. Priya Sharma, Advocate.

For Respondent/State - Shri Vimlesh Bajpai, Government Advocate.

Hon'ble Justice Shri N.K. Chandravanshi**Order on Board****11-11-2021**

1. Heard.
2. The applicants have preferred the first bail application under Section 439 of the Cr.P.C. for grant of regular bail, as they are arrested in connection with Crime No.82/2021, registered in Excise Circle, City Durg East, District – Durg (C.G.) for the offence punishable under Section 34 (2), 59 (A), 36 of the Chhattisgarh Excise Act.
3. Prosecution story, in brief, is that on 16-09-2021, the applicants were found in joint illicit possession of 54 bulk liters of foreign liquor.
4. Learned counsel for the applicants would submit that the applicants are innocent, they have been falsely implicated in the instant case and they are in jail since 16-09-2021.

Seizure has been falsely made from the possession of applicants. She would submit that before 2012, some cases were registered against the applicant No.1, but after 2012, except this case, no case has been registered against the applicant No.1. She would further submit that there is no criminal antecedent against the applicant No.2 and they are in jail since 16-09-2021. Hence, they may be enlarged on bail.

5. Learned counsel for the State would oppose the bail application of the both the applicants. He further submits that, as per case diary, from 1990 to 2012, about 30 cases were registered against the applicant No.1 including National Security Act and one case under Section 395 of the Indian Penal Code. Applicant No.1 has been convicted for five years. Hence, he prayed that the bail application of applicant No.1 is liable to be rejected. He also stated that the charge sheet has been filed.
6. After hearing learned counsel for both the parties; perused the material available on record; considering that there is no criminal antecedent against the applicant No.2 and after 2012, no crime registered against the applicant No.1 as mentioned by the learned State counsel and also for the fact that the applicants are in jail since 16-09-2021 and charge sheet has already been filed, I feel inclined to enlarge the applicants on bail.
7. Accordingly, the present bail application is allowed. It is directed that if each of them furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond in the like sum to the satisfaction of the trial Court concerned for their appearance before the concerned Court as and when directed by the said Court, they be released on bail.

SD/-

(N.K. Chandravanshi)
Judge