

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9105 of 2021**

1. Rekhran Diwan S/o Puranik Diwan Aged About 36 Years R/o Village Gabaud, Thana Khallari, District Mahasamund, Chhattisgarh.
2. Dipak Diwan S/o Tesram Aged About 25 Years R/o Village Gabaud, Thana Khallari, District Mahasamund, Chhattisgarh

---- Applicants

Versus

1. State of Chhattisgarh Through Station House Officer, Police Station (Outpost Bundeli) Tendukona, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicants - Shri Shaleen Singh Baghel, Advocate on behalf of Shri Vikash Pradhan, Advocate.
For Respondent/State - Shri B.P. Banjare, Dy. Government Advocate.

Hon'ble Justice Shri N.K. Chandravanshi**Order on Board****22-11-2021**

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.193/2021, registered at Police Station – (outpost-Bundeli) Tendukona, District – Mahasamund (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
3. Prosecution story, in brief, is that on 02-11-2021, the applicants were found in joint illicit possession of 19.600 bulk liters of country made liquor (*Mahua*).

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 03-11-2021. Seizure has been falsely made from the possession of applicants. He further submits that this is the first crime registered against both the applicants. Hence, they may be enlarged on bail.
5. Learned counsel for the State would vehemently oppose the bail application filed by the applicants. He further submits that, as per case diary, no criminal antecedent has been found against the applicants.
6. After hearing learned counsel for both the parties; perused the material available on record; quantity of seized liquor from the possession of the applicants and also the period of detention, I am inclined to release 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

Amardeep