

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9314 of 2021**

1. Manish, S/o Vishnu Prasad, Aged About 32 Years
2. Bhupendra, S/o Budhram, Aged About 35 Years,

Both are R/o - Baglota, Police Station - Bilaigarh, District - Balodabazar - Bhatapara Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through The Police Station Bilaigarh, District Balodabazar Bhatapara. Chhattisgarh.

---- Respondent

For the Applicants	:	Ms. Supriya Upasane, Advocate
For the State	:	Shri B.L. Sahu, P.L.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**26/11/2021**

1. Heard.
2. This is first bail application filed under Section 439 of Cr.P.C. for grant of regular bail to the applicants who have been arrested in connection with Crime No. 189/2021, registered at Police Station Bilaigarh, District – Balodabazar-Bhatapara (C.G.), for the offence punishable under Section 34 (2) of C.G. Excise Act.
3. As per prosecution story on 14/11/2021, 100 bulk liter of Mahua liquor has been seized from the illegal joint possession of applicants.
4. Learned counsel for the applicants submits that applicants are innocent and they have been falsely implicated, offence is triable by Judicial Magistrate First Class, they are in custody since 14/11/2021, hence they be released on bail.

5. On the other hand, learned State counsel opposes the bail application. He submits that no criminal antecedent has been registered against the applicant No.1 Manish, but two cases of the year 2015 and 2021 under Excise Act have been registered against the applicant No.2 Bhupendra, therefore, they may not be enlarged on bail.
6. I have heard learned counsel for both the parties and perused the material available on record.
7. Considering the facts and circumstances of the case, quantity of seized liquor which has been seized from the joint possession of the applicants, offence is triable by Judicial Magistrate First Class, I feel inclined to allow the bail application. It is directed that if each of the applicants 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.

CC as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE