

(2021) 05 CHH CK 0179

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 3219 Of 2021

Omesh Kumar And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 28-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Chhattisgarh Excise Act, 1915 — Section 34(2)

Citation : (2021) 05 CHH CK 0179

Hon'ble Judges : Sanjay S. Agrawal, J

Bench : Single Bench

Advocate : Samir Singh, Gagan Tiwari

Final Decision : Allowed

Judgement

Sanjay S. Agrawal, J

1. The matter is heard through video conference.
2. This is the first bail application filed by the Applicants under Section 439 of the Code of Criminal Procedure, 1973(hereinafter referred to as 'the Cr.P.C.') for grant of regular bail as they have been arrested on 4.5.2021 in connection with Crime No. 101/2021, registered at Police Station- Out Post Chichola, Thana Chhuriya, District Rajnandgaon (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. According to the prosecution, 42 bulk liters of illicit liquor was recovered from the possession of the Applicants and therefore, the alleged offence has been registered against them.
4. Learned counsel for the Applicants submits that the Applicants are innocent and have been falsely implicated in connection with the aforesaid crime

as the alleged article has been seized from open place near the road and even in absence of any evidence, they have been charged with the said

offence. It is contented further that as the Applicants are in jail since 4.5.2021 and the offence is triable by Judicial Magistrate First Class, therefore,

they may be enlarged on bail.

5. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.

6. I have heard learned counsel for the parties and perused the case diary carefully.

7. Having heard learned counsel for the parties, having considered the facts and circumstances of the case and considering further the length of pre-

trial detention of the Applicants with regard to the offence which is triable by Judicial Magistrate First Class, I am inclined to enlarge them on bail.

8. Accordingly, bail application filed under Section 439 Cr.P.C. is allowed. It is directed that the Applicants shall be released on bail on each of them

executing a personal bond for a sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court. The

Applicants are directed to appear before the trial Court on each and every date given to them by the said Court.