

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1238 of 2022**

1. Kamal Singh Markandey S/o Mahasingh Markandey Aged About 53 Years R/o Village Bohardih, Police Station Gidhpuri, Tahsil Palari, District Balodabazar-Bhatapara, Chhattisgarh.
2. Sikes Markandey S/o Kamal Singh Markandey Aged About 20 Years R/o Village Bohardih, Police Station Gidhpuri, Tahsil Palari, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kharora, District Raipur, Chhattisgarh.

---- Respondent

 For Applicant : Mr. Yogesh Kumar Chandra, Advocate
 For Respondent/State : Mr. Ravi Maheshwari, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****28.02.2022.**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested on 23.01.2022 in connection with Crime No.50/2022 registered at Police Station Kharora Distt. Raipur (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. Prosecution story, in brief, is that 18 bulk liters of country made liquor has been seized from the possession of the applicants as they were transporting the same in a Motor Cycle bearing registration No.CG 22 M 5826.

3. Learned counsel for the applicants submits that the applicants are innocent, they have been falsely implicated in this case and the alleged seizure has not been made from their possession. The applicants are in jail since 23.01.2022 and charge sheet has not been filed yet, therefore, conclusion of the trial will take considerable time, hence they may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that earlier two cases under Excise Act have been registered against applicant No.1 Kamal Singh Markandey, they are habitual offenders, hence, they are not entitled for grant of bail.

5. I have heard learned counsel for the parties, perused the case diary and the material available on record.

6. Considering the facts and circumstances of the case, nature and gravity of offence, quantity of the liquor seized, period of detention of the applicants, I feel inclined to grant bail to the applicants. Therefore, the application under Section 439 of the CrPC is allowed. It is directed that in the event of the applicants executing a personal bond for a sum of Rs.25,000/- each with one surety of the like sum amount each to the satisfaction of the concerned trial Court for their appearance before the concerned Court as and when directed by the said court, they be released on bail.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE