

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 3422 of 2016**

Sagar Prajapati, S/o Santram Prajapati, aged about 19 years, R/o Ward No.09, Kumharpara, Khairagarh, Police Station & Tahsil – Khairagarh, District Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh, Through – Station House Officer, Police Station – Khairagarh, District Rajnandgaon (C.G.)

---- Non-applicant

For Applicant: Mr. Abhishek Sharma, Advocate.
For Non-applicant/State: Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/06/2016**

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who is in jail since 29.05.2016 in connection with Crime No. 186/2016 registered at Police Station-Khairagarh, District Rajnandgaon, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

(2) As per the prosecution, on search being made, total 6.300 bulk liters of country made liquor was seized from unlawful

possession of the applicant on 29.05.2016 and therefore he has been charged with the offence punishable under Section 34(2) of the Chhatisgarh Excise Act and has been arrested on 29.05.2016 itself.

(3) Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the instant case and no liquor has been seized from his lawful possession. He further submit that the applicant is in judicial custody since 29.05.2016 and this is the first time where the applicant has been implicated under the Excise Act and therefore taking into consideration all these facts he may be enlarged on bail.

(4) Opposing the bail application, learned counsel for the State submits that the applicant was found to be in unlawful possession of 6.300 bulk liters of country made liquor and therefore he is not entitled to be released on bail.

(5) Without commenting on merits, considering the totality of the facts & circumstances of the case and also considering the fact that the applicant is languishing in jail since 29.05.2016 and considering the quantity of liquor, this Court is of the opinion that the present is a fit case where the applicant can be enlarged on bail.

(6) Accused/applicant -**Sagar Prajapati** is directed to be released on bail on his executing a personal bond in the sum of

Rs.20,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
V. Judge

D/-