

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4903 of 2016**

Mahendra Kashyap, S/o. Rajendra Kumar, aged 30 years, R/o Village Jarhagaon, P.S. Jarhagaon, Civil District- Bilaspur and Revenue District - Mungeli, Chhattisgarh.

**---- Applicant**

**Versus**

State of Chhattisgarh, Through Police of Police Station - Jarhagaon, Civil District Bilaspur & Revenue District Mungeli, Chhattisgarh.

**---- Respondent**

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For Applicant : Mr. Pallav Mishra, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**24/08/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 154/2016 registered at – Police Station – Jarhagaon, Civil District Bilaspur and Revenue District Mungeli (C.G.) for the offence punishable under Sections 34(1)(A), 34(2) and 59(A) of the C.G. Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 12.600 liters and he was arrested on 24.07.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 24.07.2016, therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 12.600 liters; offence is triable by the JMFC and the applicant is in jail since 24.07.2016, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

**Sd/-**  
**(Goutam Bhaduri)**  
**Judge**