

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5758 of 2017

Ashok Mishra S/o Shri Paras Ram Mishra, Aged About 49
Years R/o Village Shankargarh, Thana Manendragarh,
District Koriya (Chhattisgarh)

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer,
Police Station Manendragarh, District Koriya
(Chhattisgarh)

---- Respondent

For the Petitioner : Achyut Tiwari, Advocate.

For the Respondent/State : Shri Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03.10.2017

1. Heard on application under Section 439 of Cr.P.C.
2. It is submitted that applicant is in jail since 06.06.2016 in connection with Crime No.181/2017 for the offences under Section 34(2), 41, 42 of C.G.Excise Act, 1915 registered in PS-Manendragarh, District- Koriya (C.G),
3. It is submitted by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case. English liquor 51 bulk liters contained in various bottles were seized from

the premises which was not in exclusive possession of the applicant. Hence, he is entitled for bail.

4. Learned counsel for the State opposes the application and the submission made in this respect. It is submitted that by the raid conducted in presence of witnesses, the liquor was seized from the applicant and applicant had no papers of authorization to keep in his possession the seized liquor, therefore, he is not entitled for bail.
5. I have heard the learned counsel for the parties and perused all the documents placed on record.
6. Looking to the nature of the case and taking into consideration that the applicant has no criminal antecedent, it appears to be a fit case, in which the applicant is found entitled to be enlarged on bail. Hence, the application is allowed.
7. Accordingly, the bail application under Section 439 of Cr.P.C is allowed and it is directed that the applicant shall be released on his personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge