

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 104 of 2017

Khemu Saxsena S/o Samaru Ram Saxsena, aged about 35 Years, R/o Village- Arand, Police Station & Post Office- Rajim, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station- Rajim District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

23/01/2017

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. 316/2016, registered at Police Station- Rajim, District Gariyaband (C.G.) for the offence punishable under Sections 34 (2) of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 57.240 bulk liters and he was arrested on 18.12.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 18.12.2016; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, she would submit that as per the information received from the

concerned SHO, the applicant has no previous antecedent of similar offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 57.240 bulk liters; offence is triable by the JMFC and the applicant is in jail since 18.12.2016, 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