

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 497 of 2017

Shankar Dewangan, S/o. Brijlal Dewangan, aged about 40 years, R/o. Milpara Utai, Police Station – Utai, Tehsil and District – Durg (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station - Utai, District- Durg (C.G.)

---- Respondent

For Applicant	:	Mr. Avinash Chand Sahu, Advocate
For Respondent	:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy
Order On Board

19/01/2017

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. 01/2017, registered at Police Station- Utai, District – Durg (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 9 bulk liters and he was arrested on 31.12.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 31.12.2016; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9 bulk liters; offence is triable by the

JMFC and the applicant is in jail since 31.12.2016, 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.
8. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Judge