

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 502 of 2017

Jageshwar Yadav, S/o. Rajau Yadav, aged about 30 years, R/o. Village- Litia,
P.S. - Bori, District – Durg (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : the District Magistrate, Durg (C.G.)

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate
For Respondent : Mr. Anil S. Pandey, 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. 350/2017, registered at Police Station- Excise Sub-Inspector, Durg Town West, District – Durg (C.G.) for the offence punishable under Section 34(1) (A) and 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 05.01.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 05.01.2017; 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 05.01.2017, 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