

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 808 of 2017

- Toshan Kumar Sahu s/o. Tejram Sahu aged about 26 years, r/o village Bemcha, Thana and Tahsil Mahasamund, District Mahasamund (CG).

---- Applicant

Versus

- State of Chhattisgarh Through SHO PS City Kotwali, Mahasamund, District Mahasamund (CG).

---- Respondent

For Applicant	:	Mr. Purunendra Kichariya, Advocate
For Respondent/State	:	Mr. Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23-02-2017

1. This is the first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 23-8-2016 in connection with Crime No. 410 of 2016, registered at Police Station City Kotwali, Mahasamund, District Mahasamund (CG), for the offence punishable under Section 34 (2) of the CG Excise Act.
2. As per prosecution case, on information being received on 28-9-2016, a raid was conducted by the police party whereby the applicant was found in possession of illicit liquor measuring about 387 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case, seizure was not made from the applicant, he is in jail since 23-8-2016. He would further submit that the case of the present applicant is similar to that of other co-accused Munna @ Santosh Kahar who has been granted

bail vide order dated 30-1-2017 passed by co-ordinate Bench of this court in M.Cr.C.No.287 of 2017, therefore, present applicant may also be released on bail on the ground of parity.

4. Per contra, learned State counsel opposes the prayer for grant of bail application, however, he does not dispute the fact that the case of the present applicant is similar to that of other co-accused who has been granted bail by co-ordinate Bench of this Court.
5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Taking into consideration all the facts and circumstances of the case, considering the fact that the applicant is in jail since 23-8-2016 and further taking note of the fact that other co-accused has been granted bail by co-ordinate Bench of this Court, this Court is of the view that it is a fit case where the applicant can be released on bail.
7. Accordingly, the application filed under Section 439 of the Cr.P.C., is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety in the like amount to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(P. Sam Koshy)
Judge

Raju