

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1175 of 2017

- Ashok Bharti S/o Panchram Bharti Aged About 40 Years R/o Paithpara Police Station Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Sahaspur Lohara, District Kabirdham, Chhattisgarh.

For Applicant : Mr. Ajay Ayachi, Advocate
For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

6-3-2017

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 on 26-1-2017 in connection with Crime No. 24 of 2017, registered at Police Station Sahaspur, Lohara, District Kabirdham (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on information being received a raid was conducted by the police party and from the possession of the applicant illicit liquor measuring about 36 liters was seized and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he is in jail since 26-1-2017 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from

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

5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 36 liters, offence is triable by the JMFC and the applicant is in jail since 26-1-2017, I am inclined to release the applicant on bail.
7. Accordingly, the bail 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 surety in the like sum to the satisfaction of the concerned trial Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju