

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2736 of 2017

- Anil Kumar S/o Ramu Lal Fekar Aged About 28 Years R/o Village-Maldi, Thana-Bhatapara Gramin, District Balauda Bazar Bhatapara (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Thana - Suhela, District Balaudabazar-Bharapara (Chhattisgarh)

---- Respondent

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent	:	Mr. Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/07/2017

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. 46/2017, registered at Police Station- Suhela, District – Balaudabazar, Bhatapara(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 English liquor measuring about 803.520 bulk liters and he was arrested on 30.03.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 30.03.2017; therefore, he may be released on bail.
4. 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. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 803.520 bulk liters is duty paid; offence is triable by the JMFC and the applicant is in jail since 30.03.2017, 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/-
(Rajendra Chandra Singh Samant)
Judge