

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2720 of 2017

Radhe Verma, S/o. Jawahar Lal Verma, Aged About 40 Years R/o
Fokatpara, Simga, Police Station Simga, District Baloda Bazar
Bhatapara Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police of Police
Station Simga, District Baloda Bazar, Bhatapara Chhattisgarh

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Anil Kumar Shukla

Order On Board

29/05/2017

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. 122/2017 registered at – Police Station – Simga, District Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.40 liters and he was arrested on 07.04.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 07.04.2017, 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 5.40 liters; offence is triable by the JMFC and the applicant is in jail since 07.04.2017, this Court is inclined to release the applicants 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.

Sd/-
(Anil Kumar Shukla)
Vacation Judge