

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No.3151 of 2017

Jogeshwar Hiyal S/o Sawan Hiyal, Aged About 45 Years R/o New Kaling Nagar, Gudhiyari, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Gudhiyari, Raipur, District Raipur, Chhattisgarh.

---- Non-Applicant

For Applicant:	Shri CR Sahu, Advocate.
For State/Non-Applicant:	Smt M. Asha, Panel Lawyer.

Single Bench: Hon'ble Shri Prashant Kumar Mishra J
Order On Board

22.5.2017

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicant is arrested in connection with Crime No.83/2017 registered at Police Station – Gudhiyari, District Raipur (CG) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act for illegally possessing 7.920 bulk liters of country made liquor.

2. Learned Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the alleged crime. He submits further that there are no criminal antecedents of similar offence against him and is therefore liable to be enlarged on bail.

3. On the other hand, learned counsel for the State opposed the prayer for bail.

4. Having considered the facts and circumstances of the case and particularly keeping in view the quantity of liquor seized, that the offence is triable by the Judicial Magistrate, First Class and that the Applicant is in jail since 01.04.2017, this Court is inclined to release the Applicant on bail. 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. He shall also appear before the trial Court as and when directed. It is made clear that if the Applicant involves himself in the offence of similar nature in future, this order granting bail to the Applicant shall automatically stand cancelled without further reference to the Bench.

Sd/-

(Prashant Kumar Mishra)
V. JUDGE