

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3942 of 2017

Hiralal Yadav S/o Mahtru Yadav Aged About 40 Years R/o Somwari Bazar, Navapara, Police Station-Gobra Navapara, District- Raipur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through: Police Station- Gobra Navapara, District- Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. J.K.Gupta, Advocate

For Respondent/State : Mr. Anil S Pandey, G.A.

Hon'ble Shri Justice Anil Kumar Shukla

Order On Board

02/06/2017

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. 110/2017 registered at Police Station- Gobra Navapara, District Raipur (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The allegation of the prosecution against the applicant is that the applicant was found in possession of illicit liquor measuring total about 5.220 bulk liters and he was arrested on 15.05.2017 for the said offence.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 15.05.2017, therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he submits that as per the information received from the concerned Station House Officer the applicant has no antecedent of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.220 bulk liters; there is no antecedent of the applicant of similar offence and the applicant is in jail since 15.05.2017, 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. 10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance before the trial Court as and when directed.
8. If any similar criminal antecedent of the applicant is pointed out at a later stage, the instant bail order shall automatically stand cancelled.

Sd/-
(Anil Kumar Shukla)
Vacation Judge