

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3934 of 2017

- Shivkumar S/o Asharam Aged About 40 Years R/o Village Giroda, Abhanpur, Police Station and Tahsil Abhanpur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh S/o Through Station House Officer, Police Station Abhanpur, District Raipur Chhattisgarh

----Respondent

For Applicant	:	Shri CR Sahu, Advocate
For Respondent/State	:	Shri Adil Minhaz, PL

Hon'ble Shri Justice Anil Kumar Shukla

Order on Board

01.06.2017

- 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.84 of 2017 registered at Police Station Abhanpur, district Raipur (CG) for the offence punishable under Section 34(2) of the CG Excise Act.
- 2) The prosecution alleges that the applicant was found in possession of illicit liquor measuring about 7200 ml in 40 bottles and the applicant was arrested on 21.03.2017.
- 3) Learned counsel for the applicant submits that the applicant has been falsely implicated in the case and he is in jail since 21.03.2017, therefore, he may be released on bail.
- 4) On the other hand learned State counsel opposes the prayer for grant of bail. However, he submits that as per the information

received from the concerned SHO, 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 only 7200ml; there is no criminal antecedent of similar offence against the applicant; and the applicant is in jail since 21.03.2017, this Court is inclined to release the applicant on bail.

6) Accordingly, the bail application filed under Section 439 of the 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 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