

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3918 of 2017

Naresh Mirjha S/o Chotu Mirjha, Aged About 45 Years R/o Village
Kodapar, Chowki-Birejhar, Post Office, Police Station & Tahsil- Kurud,
District- Dhamatari, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through : Station House Officer, Police Chowki -
Birejhar, Police Station - Kurud, District - Dhamtari, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

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

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. 145/2017 registered at Police Chowki Birejhar, Police Station Kurud, District Dhamtari, (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 5.400 liters and he was arrested on 11.04.2017 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 11.04.2017, 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 5.400 liters; there is no antecedent of the applicant of similar offence and the applicant is in jail since 11.04.2017, 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