

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3960 of 2017

- Deendayal Kurre @ Lekhram Sarang S/o Kriparam @ Sonauram Sarang
Aged About 38 Years R/o Village Aakoli Bhansuli, Police Station And Tehsil
Berala, District- Bemetara, Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station
Berala, District- Bemetara, Chhattisgarh

---- **Respondent**

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent/State : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14-06-2017

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 on 15-4-2017 in connection with Crime No. 117 of 2017, registered at Police Station Berala, District Bemetara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on information being received a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 5.820 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he is in jail since 15-4-2017 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, 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. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.820 liters, offence is triable by the JMFC and the applicant is in jail since 15-4-2017, I am inclined to release the applicant on bail.
7. 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju