

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4990 of 2017

- Akash Chauhan @ Kariya S/o S/o Dani Chauhan (Dewar) Aged About 19 Years R/o Subhash Nagar, Telibandha, Raipur Tahsil And District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Telibandha, Raipur Tahsil And District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. Yogeshwar Sharma, Advocate

For Respondent : Mr. UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

21/11/2017

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. 29/2017, registered at Police Station- Telibandha, District – Raipur(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 6.300 bulk liters and he was arrested on 22.01.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 22.01.2017; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, 2 similar cases are registered against the applicant, but there is not report as to any conviction.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.300 bulk liters; offence is triable by the JMFC and the applicant is in jail since 22.01.2017, 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.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge