

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5264 of 2017

- Deenanath Bandhey S/o Late Rasahay Aged About 65 Years R/o Village Bhandarpuri, Police Station Aarang, Civil And Revenue District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Aarang, In The Revenue And Civil District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. J.K. Verma, Advocate
For Respondent	:	Mr.Arvind Kumar Shukla, Panel Lawyer

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

04/12/2017

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. 46/2017, registered by Excise Circle- Aarang, 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 foreign/country made duty paid liquor measuring about 105.45 bulk liters and he was arrested on 29.06.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 29.06.2017; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however,

he would submit that applicant has a history in one case under the provisions of CG Excise Act but there is no report as to his conviction.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized foreign and country made liquor is 105.45 bulk liters; offence is triable by the JMFC and the applicant is in jail since 29.06.2017, 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