

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5171 of 2017

- Mannan Mohammad @ Golu S/o Late Jaan Mohammad, Aged About 43 Years Caste- Muslim, R/o Village Muslim, R/o Village Kokpur, Police Station Dongargaon, Civil And Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: The Police Station Dongargaon, Civil And Revenue District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Punit Ruparel, Advocate
For Respondent	:	Mr. Vinod Tekam, 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. 284/2017, registered at Police Station- Dongargaon, District – Rajnandgaon (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 country made and foreign liquor measuring about 77.760 bulk liters and he was arrested on 28.07.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 28.07.2017. It is further submitted that the trial against the applicant has commenced and 4 witnesses have been examined. The copy of the deposition sheets of the witnesses is attached with the application. All these

witnesses have not supported the case of prosecution, 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, 4 previous 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 offence is triable by the JMFC and the applicant is in jail since 28.07.2017, 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