

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5927 of 2017

- Jagdish Sinha S/o Latel Sinha, Aged About 40 Years R/o Jarwahi, O. P. Mohra Dongargarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Circle Dongargarh, Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate
For Respondent	:	Mr. Ashok Swarnkar, Panel Lawyer

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

23/10/2017

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. 93/2017, registered at Police Station- Dongargarh, 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 foreign liquor measuring about 5.76 bulk liters and he was arrested on 06.09.2017. His application before the Court below has been rejected.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 06.09.2017; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he

would submit that applicant is habitual offender and has a history of having 2 criminal cases of similar nature against him.

5. Heard both the parties and perused the case diary.
6. There is no conviction against the applicant in any of the previous cases registered against him.
7. Taking into consideration the totality of the circumstances and the fact that the quantity of seized foreign liquor is 5.76 bulk liters; offence is triable by the JMFC and the applicant is in jail since 06.09.2017, this Court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. 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.
10. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge