

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5950 of 2017

- Hitesh Sahu S/o Devnandan Sahu, Aged About 28 Years R/o Village Koma Police Station Khallari, Tahsil And District Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khallari, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Vikas Pradhan, Advocate
For Respondent	:	Mr. Arvind Kumar Shukla, 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. 70/2017, registered at Police Station- Khallari, District – Mahasamund(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 liquor measuring about 207 bulk litres and he was arrested on 24.08.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 24.08.2017. The liquor was seized from open place which was kept hidden under the sand by the side of a *Nala*. Name of the applicant was not mentioned in the proceeding drawn and a closure report was also submitted. On

the basis of false statement given by some witnesses, case was registered against the applicant after 6 months of the said recovery, which is totally a concocted case, therefore, it is prayed that 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, 3 previous cases are registered against the applicant, but there is not report as to any conviction.
5. Heard both the parties and perused the case diary.
6. Considering on the peculiar facts of the case, that recovery of the illicit liquor was made from the open place and it was after 6 months that applicant has been roped in as an accused and that there is no previous conviction on record against him, for these reasons, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge