

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6031 of 2017

Rajesh Santwani, S/o. Late Deepchand Santwani, Aged About 45 Years, R/o. New Kashiram Nagar, Raipur, Telibandha, Post Office -Raipur, Police Station -Telibandha, Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Telibandha, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/11/2017

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.344/2017, 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 5.580 liters and he was arrested on 23.08.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 23.08.2017; therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail. It is submitted that apart from this case, three previous cases under

the provisions of C.G. Excise Act, one case of preventive and one case of I.P.C. were registered against the applicant, hence, for this reason, the applicant is not entitled for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.580 liters; offence is triable by the JMFC and the applicant is in jail since 23.08.2017 and further considering the fact that no conviction is recorded in any of the case registered against the applicant, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge