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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 6104 of 2017**

Jitendra Masih S/o Shri Matiyas Masih, Aged About 38 Years R/o Ward No. 7, Bazar Ward Jhalap, Thana Patewa, District Mahasamund, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through The Excise Officer, Excise Circle Mahasamund, District Mahasamund, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Sumit Shrivastava, Advocate.  
For the Respondent/State : Shri U.K.S. Chandel, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****09.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.57 of 2017, registered at Police Station – Excise Circle, Mahasamund, District – Mahasamund, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. Learned counsel for the applicant submits that the applicant is in jail since 08.09.2017 and the applicant has been falsely implicated in this case. The case has been investigated and the charge-sheet has been filed. As per the allegations of the prosecution case, no case is made out against the applicant and the trial of the case is likely to take some time for its final disposal. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has criminal antecedents and having a case under the provisions of Section 34(1) of the Chhattisgarh Excise Act and other cases of offence under Indian Penal Code, however no report as to any conviction and also the fact that the quantity of seized liquor is 18.00 bulk liters. Hence, for these reasons, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. Considering the submissions made and the contents of the case diary and the fact that the applicant is in jail since 08.09.2017, the case is already before the trial Court and the trial of the case is likely to take some time for its final disposal, the application deserves to be allowed.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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.

**Sd/-**

**(Rajendra Chandra Singh Samant)**  
Judge