

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6727 of 2017

Chumman Sinha, S/o. Preetram Sinha, Aged About 35 Years, Resident of Chaitukhapri, Out Post -Mohara, Police Station -Dongargarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate
For Respondent	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/10/2017

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.263/2017, 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 liquor measuring about 44.640 liters and he was arrested on 04.10.2017.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 04.10.2017. It is further submitted that no seizure of liquor has been made from the applicant and he has been implicated only on the basis of the statement given by co-accused under Section 27 of the Evidence Act,

which can not be made use of against him. It is further submitted that co-accused in this case has been enlarged on bail by this Court, hence prayed that the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail. It is submitted that as per the statement of co-accused- Mahendra, 44 liters of liquor that was seized belonged to this 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 44 liters; offence is triable by the JMFC and the applicant is in jail since 04.10.2017, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge