

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6656 of 2017

- Naveen Rana S/o Kedar Rana Aged About 36 Years R/o Village Bonda Police Station And Tahsil Saraipali, District Mahasamund Chhattisgarh

---- Petitioner

Versus

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

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Mr. Neeraj Jain, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30.10.2017

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.313/2017, registered at Police Station- Saraipali, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 15 bulk liters and he was arrested on 08.10.2017.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since

08.10.2017, therefore, he may be released on bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant had previous antecedents, he was charge-sheeted for offence under Section 34(2) of the Chhattisgarh Excise Act, and also prosecuted for offence under the provision of Gambling Act, hence, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. After considering the facts and contents of the case diary, there is no conviction against the applicant on the basis of previous prosecution against him. Presently the case against the applicant is that on 08.10.2017, 15 litres of illicit liquor was seized from his possession contained in plastic jerrycans on the basis of which he had been arrested and the offence has been registered against him.
6. Considering this fact that the place from where the illicit liquor has been seized is the residence of the applicant/ accused which is shared by other members of his family and the facts that the applicants are in jail since quite some time and no purpose would be solved if the applicant is kept in detention during the period of the trial, this Court is of the opinion that this is a fit case where the applicant is entitled for grant of 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.
9. Certified copy as per rules.

Sd /-
(Rajendra Chandra Singh Samant)
Judge