

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.2715 of 2017**

Arun Navrange S/o Bhagirathi Navrange, Aged About 40 Years R/o Village Risda, Police Station City Kotwali, Balodabazar, District- Baloda Bazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, Baloda Bazar District- Baloda Bazar Bhatapara, Chhattisgarh.

---- Non-Applicant

For Applicant:	Shri Amiyakant Tiwari, Advocate.
For State/Non-Applicant:	Shri RK Jaiswal, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

03.5.2017

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicant is arrested in connection with Crime No.126/2017 registered at Police Station – City Kotwali, Baloda Bazar (CG) for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act, 1920.
2. As per the case of prosecution, the Applicant was found selling country made liquor measuring 5.76 bulk liters illegally and upon raid being made on his house, the said quantity of liquor was found in his possession and therefore, the offence punishable under Section 34(2) of the Excise Act was registered while arresting him on 1.4.2017.
3. Learned Counsel for the Applicant submits that the Applicant is innocent

and has been falsely implicated in the alleged crime. He submits further that there are no criminal antecedents of similar offence and is therefore liable to be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. I have heard learned Counsel for the parties and have also perused the case diary and the relevant documents..

6. This is a case where the Applicant was found selling illegally the country made liquor measuring 5.76 liters. The offence is triable by the Judicial Magistrate First Class and the Applicant is in jail since 1.4.2017.

7. Having considered the facts and circumstances of the case and particularly keeping in view the quantity of liquor seized and also that the offence is triable by the Judicial Magistrate, First Class, this Court is inclined to release the Applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicant shall be released on bail on his 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(Sanjay Agrawal)

JUDGE