

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2776 of 2017**

- Umashankar S/o Tekram Chaturvedi, Aged About 30 Years R/o Satnami Para, Hathband, Police Station Simga, District- Baloda Bazar Bhatapara, Chhattisgarh. **---- Applicant**

Versus

- State Of Chhattisgarh Through: Station House Officer Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh. **---- Respondent**

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondent/State	:	Shri R.K.Jaiswal, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****03/05/2017**

1. This is 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.116/2017 registered at Police Station Simga, Distt. Baloda Bazar Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1920
2. As per prosecution case, on information being received from an unknown person, a raid was conducted by the police authorities at village Hathband where the applicant was found in selling the foreign liquor measuring 5.40 liters illegally and accordingly, the same was seized from him and thereafter the aforesaid offence has been registered against him under Section 34 (2) of the Chhattisgarh Excise Act, 1920.
3. Learned counsel appearing for the applicant would submit that he is innocent and has been falsely implicated in connection with the said offence. He submits further that there is no previous antecedents of similar

offence, and is, therefore, liable to be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of 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 in selling illegally the foreign liquor measuring 5.40 liters. The offence is triable by the Judicial Magistrate First Class and the applicant is in jail since 3rd April, 2017.
7. Having considered the facts and circumstances of the case and particularly keeping in view the quantity of liquor seized, this Court is inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby 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