

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2858 of 2017**

- Toshendra Kumar Sahu S/o Sundar Lal Sahu Aged About 29 Years R/o Badesajapali, Police Station Basana: District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondent/State	:	Smt. Shobha Kashaypa, Dy. G.A.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****12/05/2017**

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 Toshendra Kumar Sahu who has been arrested on 28.03.2017 in connection with Crime No.114/2017 registered at Police Station Basana, Distt. Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1920
2. As per prosecution case, on information being received, a raid was conducted by the police authorities, in which, the applicant was found in selling illegally the country made liquor measuring 15.12 bulk liters and accordingly, the same was seized from him and thereby the aforesaid offence has been committed by him.
3. Learned counsel appearing for the applicant would submit that he is

innocent and has been falsely implicated in connection with the said offence. She submits that police authorities have failed to show that the alleged seized country made liquor was recovered exclusively from his possession.

4. On the other hand, learned State counsel opposes the prayer for grant of bail. However, she would submit that as per the information received from the concerned Station House Officer, the applicant has no previous antecedents of similar offence.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents annexed with the petition.
6. Taking into consideration the facts and circumstances of the case, keeping in view the quantity of seized liquor is 15.12 bulk liters, the offence is triable by the Judicial Magistrate First Class and the applicant is in jail since 28.03.2017, I am inclined to release the applicant on bail.
7. 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Sanjay Agrawal)
Judge