

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5413 of 2017**

- Jitendra Sarthi S/o Santram Sarthi, Aged About 21 Years R/o Village Bade Kharwani, Tahsil And P. S. Sarangarh, District Raigarh, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Amiyakant Tiwari, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****13/09/2017**

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.330/2017 registered at Police Station- Sarangarh, Dist- Raigarh (C.G.) for the offence punishable under Sections 34 (1) (A) (2) 59 (A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.400 bulk liters local liquor and he was arrested on 30.07.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 30.07.2017; therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.400 bulk liters, offence is triable by the JMFC and the applicant is in jail since 30.07.2017, 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.

Sd/-

Goutam Bhaduri
Judge

Ashu