

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 553 of 2018**

Rajkumar Bhardwaz, S/o. Puniram Bhardwaz, Aged About 38 Years, R/o. Village Bamhanmudi, Police Station, Tehsil Balodabazar District (Revenue And Civil) Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station : City Kotwali, Balodabazar, District (Revenue And Civil) Balodabazar Bhatapara Chhattisgarh.

----- Respondent

For Applicant : Mr. Sumit Jhanwar, Advocate

For Respondent : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/05/2018

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. 26/2018, registered at Police Station- City Kotwali, Balodabazar, District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and 420 of the Indian Penal Code.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 138.240 bulk liters and he was arrested on 08.01.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 08.01.2018;

therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, 6 previous cases are registered against the applicant under the provisions of Excise Act, hence, he is not entitled for grant of bail.
5. In reply, it is submitted by the learned counsel for the applicant that all the previous cases have been decided and he was at liberty when he was arrested in this case, therefore, he may be released on bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 138.240 bulk liters; offence is triable by the JMFC and the applicant is in jail since 08.01.2018, this Court is inclined to release the applicant on 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.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge