

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 558 of 2018**

Mohan Tandan S/o Pardeshi Tandan Aged About 59 Years R/o Village Ranka, Tehsil Berla, Police Station Bemetara District Bemetara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Bemetara District Bemetara Chhattisgarh.

---- Respondent

For the Applicant : Shri Umakant Singh Chandel,
Advocate.

For the Respondent/State : Shri Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.02.2018**

1. This is the 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.835 of 2017, registered at Police Station Bemetara, District – Bemetara, Chhattisgarh for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.4 bulk liters and he was arrested on 27.12.2017.

3. Learned counsel for the applicant submits that the applicant is in jail since 27.12.2017 and the applicant has been falsely implicated in this case; therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has previous antecedent under Section 36(A) of the Excise Act, is pending against the applicant. Hence, he is not entitled for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.4 bulk liters; offence is triable by the JMFC and the applicant is in jail since 27.12.2017, this Court is inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge