

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 341 of 2018**

- Chhutan @ Deepak Singh Rajput S/o Krishna Singh, Aged About 32 Years Occupation Driver, R/o Bajrangpara Sanatan Nagar Kohka Bhilai, P. S. Supela, Tehsil Bhilai And District Durg Chhattisgarh, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through District Magistrate District Durg Chhattisgarh , Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Avinash Chand Sahu, Advocate.

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer.

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

**Order On Board**

**19/02/2018**

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. 104/2017, registered at Police Station- Kukdur, District – Kabirdham(C.G.) for the offence punishable under Sections 34(1) 34(2) of Chhattisgarh Excise Act.
2. As per case of the prosecution, on 10.12.2017 the applicant was found in illegal possession of illicit liquor of about 18 bulk liters.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 10.12.2017; therefore, he may be released on bail.

4. Learned counsel for the State opposes the application and submissions made in this respect. It is submitted that applicant and co-accused persons are running a racket of illegal transportation of foreign liquor from State of Madhya Pradesh and its sale in the State of Chhattisgarh. More than 900 bulk litres foreign liquor has been seized in this case and therefore he is not entitled for grant of bail.
5. Heard both the parties and perused the case diary.
6. Charge-sheet has been filed in this case. According to prosecution case, applicant was traveling in a Maruti Car bearing registration No.CG04-DB-1993 and from his possession in total 18 bulk litres of foreign liquor was seized.
7. Considered.
8. Taking into consideration the entire material in the case diary based on which involvement of present applicant in the crime in question is proposed to be proved by the prosecution during trial, this Court is of the view that present is a fit case where the applicant should be enlarged on regular bail.
9. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his 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/-**  
**(Rajendra Chandra Singh Samant)**  
Judge