

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 249 of 2018

- Kareem Khan S/o Wasim Khan Aged About 47 Years R/o Durga Nagar, Beergaon, P. S. Urla, Raipur, District Revenue And Civil Raipur, Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khamtarie, District - Raipur, Chhattisgarh., Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Yogesh Pandey, Advocate
For Respondent	:	Mr. N.K. Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16.02.2018

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. 594/2017, registered at Police Station- Khamtarie, District – Raipur, (C.G.) 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 6.840 bulk liters and he was arrested on 15.12.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 15.12.2017 and ready to abide by the conditions which may be imposed upon him while granting bail, 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, the present applicant is a history sheeter and there are 9 previous cases registered against him, one of the case was registered for the charge of murder, hence, he is not entitled for grant of bail.
5. Learned counsel for the applicant in reply submits that out of 09 cases, the applicant acquitted in 08 cases and he has also been acquitted from the charge of murder, only case is pending under the provisions of N.D.P.S Act for possession of small quantity of ganja, in which the trial Magistrate has granted bail, therefore, the applicant is entitled for grant of bail.
6. Heard counsel for both the parties and perused the case diary.
7. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.840 bulk liters; offence is triable by the JMFC and the applicant is in jail since 15.12.2017, this Court is inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
9. 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 -/

(Rajendra Chandra Singh Samant)
Judge