

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1088 of 2018

- Radheshyam Kashyap S/o Bhaiyalal Aged About 48 Years R/o Bailet Para, Khongsara, Out Post- Belgahna, Police State- Kota, District- Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Out Post- Belgahna, Police Station- Kota, District- Bilaspur, Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate

For Respondent : Mr. Vijay Bhadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21.02.2018

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. 18/2018, registered at Police Station- Kota, Out Post – Belgahna, District – Bilaspur, (C.G.) for the offence punishable under Sections 34 (2) and 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 7 bulk liters and he was arrested on 18.01.2018.
3. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case and he is in jail since 18.01.2018, 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, the applicant has no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized illicit liquor is 7 bulk liters; offence is triable by the JMFC and the applicant is in jail since 18.01.2018, 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 /-

(Rajendra Chandra Singh Samant)
Judge