

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1418 of 2018**

Vikky @ Vikash Sahu, S/o. Shri Ramadhar Sahu, Aged About 34 Years, R/o.-
Purani Basti, Gogaon, Near Radhakrishna Temple, Thana- Gudhiyari, District
And Tahsil- Raipur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through- Thana- Gudhiyari, District- Raipur,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Samir Singh, Advocate
For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06/03/2018**

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.44/2018, registered at Police Station- Gudhiyari, 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 5.400 bulk liters and he was arrested on 25.01.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 25.01.2018; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would submit that as per the information received from the concerned SHO, 21 criminal cases have been registered against this applicant and out of which, 11 cases are of C.G. Excise Act. Therefore, the counsel prays that the applicant may not be released on bail.
5. In reply, the learned counsel for the applicant submits that additional documents have been filed to show that out of 11 cases under the provisions of C.G. Excise Act, the applicant has been acquitted in 8 cases and the remaining cases are pending for trial against him, hence, it is prayed that the applicant may be enlarged on bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.400 bulk liters; offence is triable by the JMFC and the applicant is in jail since 25.01.2018, 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.
9. Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge