

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 1442 of 2018**

Jeevrakhan, S/o. Dukhou Mallah, Aged About 60 Years, R/o.- Village Chhirha,  
Police Station -Daadhi, Tahsil and District- Bemetara, Chhattisgarh.

**---- Applicant****Versus**

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

**---- Respondent**

For Applicant : Mr. P.P. Sahu, Advocate  
For Respondent : Mr. Anant Bajpai, 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.10/2018, registered at Police Station- Daadhi, District – Bemetara (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, 8 previous cases have been registered against this applicant out of which 5 cases are under the provisions of C.G. Excise Act between the year 2013 to 2016. Therefore, it is prayed that the applicant may not be released on bail.
5. In reply, the learned counsel for the applicant submits that out of 5 previous cases against the applicant, 3 cases were under Section 36 of C.G. Excise Act, which have been disposed off subsequent to admission of charge by the applicant and as per the information received, the applicant was at liberty before he was arrested in this case, therefore, 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