

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1450 of 2018

- Unmesh Alias Prakash Pankaj S/o Shri Narsingh Pankaj Aged About 26 Years R/o- Village- Mohatara, Police Station- Gidhouri, District- Baloda Bazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Gidhouri, District- Baloda-Bazar-Bhathapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Yogesh Chandra, Advocate
For Respondent	:	Mr. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13.03.2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for grant of regular bail. The applicant has been arrested on 28.01.2018., in connection with Crime No. 31/2018 registered at P.S. - Gidhouri, District – Baloda, Bazar – Bhathapara, Chhattisgarh, for the offence under Section 34(2) of the C.G. Excise Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 28.01.2018. Hence, he may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission. It is submitted that in total 08 bulk liters illicit liquor has been seized from the possession of the applicant. Also, against this applicant 03 previous cases are pending for the offence of

preventive nature of Cr.P.C., are registered. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized illicit liquor is 08 bulk liters; offence is triable by the JMFC and the applicant is in jail since 28.01.2018., this Court is inclined to release the applicant on bail.
6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)
Judge