NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1687 of 2018

- Arshad Khan S/o Late Jakir Khan Aged About 31 Years R/o- Patanpara, Ward No. 4, Chhuikhandan, P.S. Chhuikhadan, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- O.P. Chikhli, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Anand Shukla, Advocate.
For Non-applicant/State : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-03-2018

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. 60/2018, registered at Police Station- Chikhli, Thana-Kotwali, District – Rajnandgaon(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicant and 3 others were found to be in joint possession of illicit liquor measuring about 81 bulk liters and he was arrested on 27.1.2018.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 27.1.2018; 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 seven previous antecedents under various provisions of IPC but no prosecution under the Provision of CG. Excise

Act.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 81 bulk liters; offence is triable by the JMFC and the applicant is in jail since 27.1.2018, 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. 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha