

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1946 of 2018**

Tejpal Singh Purva Babi Bhatiya, S/o. Inder Jeet Singh Bhatiya, Aged About 43 Years, Caste- Sikh, R/o- Khandu Para Ward No. 12, Post Office, Police Station and Tahsil- Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station- Dongargarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate
For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****26/03/2018**

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. 61/2018, registered at Police Station- Dongargarh, District – Rajnandgaon (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 5.220 liters and he was arrested on 01.03.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 01.03.2018; 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, one case under Section 420 of the Indian Penal Code is reported against this applicant. Therefore, it is prayed that he may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.220 liters; offence is triable by the JMFC and the applicant is in jail since 01.03.2018, 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.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge