

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2275 of 2018**

Nand Kumar Sahu, S/o. Tej Ram Sahu, Aged About 35 Years, R/o. Village Sonpur, Police Station -Saliha, Tahsil -Bilaigarh, Civil and Revenue, District Baloda Bazar- Bhatapara Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Saliha, Civil and Revenue, District Baloda Bazar- Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Janak Ram Verma, Advocate
 For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/04/2018**

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. 20/2018, registered at Police Station- Saliha, District – Baloda Bazar – Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and Section 420 of the Indian Penal Code.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 7 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, the applicant has one case under the provisions of Indian Penal Code, therefore, he may not be released on bail.
5. In reply, it is submitted by the learned counsel for the applicant that the applicant is on bail in the aforesaid case, therefore, he may be released on bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7 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.
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.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge