

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 2137 of 2018**

Chhotelal Yadav, S/o. Chandulal Yadav, aged about 50 years, R/o. Nearby Railway Station, Sitamani -Korba, District – Korba (C.G.)

---- Applicant

**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station -City Kotwali, Korba, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Ms. K. Tripti Rao, Panel Lawyer

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**09/04/2018**

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. 149/2018, registered at Police Station- City Kotwali, Korba, District – Korba (C.G.) for the offence punishable under Section 34 (1) (2), 36, 59 (A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 8.1 bulk liters and he was arrested on 04.03.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 04.03.2018; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and the submission made in this respect. It is submitted that the applicant has criminal antecedent having 9 prosecution under N.D.P.S. Act of the year 2005, 2006, 2007, 2008, 2009, 2012 and 2014 and 3 prosecution under the provisions of Indian Penal Code of the year 1996 and 1998 and of the year 2014, hence, he appears to be criminal element, therefore, it is prayed that he may not be released on bail.
5. In reply, the learned counsel for the applicant submits that some of the cases of the applicant have been concluded and he has been acquitted of the charge in two cases of NDPS Act and in all the remaining cases, the applicant is on bail and this is a case of petty offence, hence, the objection is without any substance.
6. Considering the material present in the case diary and looking to the facts that, the applicant is on bail in all the previous cases against him and further taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 8.1 bulk liters; offence is triable by the JMFC and the applicant is in jail since 04.03.2018, 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