

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2378 of 2018**

Bhagirati Rathore, S/o. Ghasiram Rathore, Aged About 40 Years, R/o.- Village Nandaurkala, Police Station -Sakti, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- District Magistrate Janjgir, District- Janjgir-Champa, Chhattisgarh. Through- Police Station Sakti. District : Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Deepak Kumar Singh, Advocate

For Respondent : Mr. Vivek Singhal, 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. 110/2018, registered at Police Station- Sakti, District – Janjgir – Champa (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 11.820 bulk 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 five cases of preventive nature under the provisions of Cr.P.C. and two cases of 36 (C) and one case of 34 (1) (a) of C.G. Excise Act, therefore, he may not be released on bail.
5. In reply, it is submitted by the learned counsel for the applicant that the applicant has been acquitted in all the previous cases against him, 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 11.820 bulk 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