

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2584 of 2018**

Sanjeev Kumar Mishra, S/o. Shri Rampravesh Mishra Aged About 22 Years,
R/o- In Front Of Nehru Bhawan Supela Bhilai, District- Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station-
Kharora, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Y.C. Sharma, Advocate

For Respondent : Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/04/2018**

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. 201/2017, registered at Police Station- Kharora, District – Raipur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. The prosecution alleges that on 08.07.2017 at about 4.10 AM at Village- Bhaisa near Bhejridih square, the police personnel of police Station Kharora, District -Raipur stopped the vehicle bearing No. C.G.-08-S-5063 and on search being made 172.800 bulk liters of foreign liquor was seized. It is alleged that at the time of search, the driver of the vehicle was run away from the spot and he was arrested on 09.11.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 9.11.2017. Charge-

sheet in this case has been filed and no identification parade was conducted in this case; therefore, it is prayed that the applicant 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 no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 172.800 bulk liters; offence is triable by the JMFC and the applicant is in jail since 09.11.2017, 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