

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2685 of 2018

- Rajju @ Rajkumar S/o Shri Punni Ram Sahu Aged About 37 Years R/o- Village Aachhidongari, Police Outpost- Chilfi, P.S. Lormi, Civil And Revenue District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through- The Station House Officer Police Outpost- Chilfi, P.S.- Lormi, Civil And Revenue District- Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Wasim Miyan, Advocate.
For Respondent	:	Mr. Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30.04.2018

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. 151/2018, registered at Police Station- Outpost- Chilfi, PS- Lormi, District – Mungeli, (C.G.) for the offence punishable under Section 34 (1), 34 (2), 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 7.200 bulk liters and he was arrested on 29.03.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 29.03.2018, 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 had previous antecedents, he was charge-sheeted for offence under Section 34(1) of the Chhattisgarh Excise Act, hence, he is not entitled for grant of bail.
5. Heard counsel for both the parties and perused the case diary.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7.200; offence is triable by the JMFC and the applicant is in jail since 29.03.2018, 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. 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.

Sd /-
(Rajendra Chandra Singh Samant)
Judge