

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2720 of 2018**

Tameshwar Sahu, S/o. Late Siyaram Sahu, Aged About 22 Years, R/o.-
Bushwari Para, Ward No. 15, Dongargarh, Civil And Revenue District-
Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- P.S. Dongargarh, Civil and Revenue District-
Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Keshav Dewangan, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

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. 77/2018, registered at Police Station- Dongargarh, District – Rajnandgaon (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 18 bulk liters and he was arrested on 19.03.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 19.03.2018; 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 four previous cases registered against him out of which three cases are registered under Section 34 (2) of Excise Act and one case is 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 all 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 18 bulk liters; offence is triable by the JMFC and the applicant is in jail since 19.03.2018, 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