NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2833 of 2018

- Pradeep Kumar Patre Dukhiram Patre, Aged About 40 Years Caste Satnami, R/o Village Kureli, Police Station Hirri, Distt. Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Hirri, Distt. Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Devesh Chandra Verma, Advocate.
For Non-applicant/State : Ms. K. Tripti Rao, 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. 82/2018, registered at Police Station- Hirri, District – Bilaspur(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 5.200 bulk liters and he was arrested on 4.4.2018.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 4.4.2018; 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 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 5.200 bulk liters; offence is triable by the JMFC and the applicant is in jail since 4.4.2018, 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. It is directed that the applicant shall be released on bail on his 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.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha