

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2920 of 2018**

Suresh Nishad S/o Shri Budhu Nishad Aged About 44 Years R/o Ward No. 18, Bramhanpara, Jamghat, Police Station Berla, District Bemetara Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Mr. B.L. Sahu, Advocate
For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****08/05/2018**

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.97/2018, registered at Police Station- Kharora, District – Raipur (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 45 bulk liters and he was arrested on 03.03.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 03.03.2018; 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, 8 previous cases are registered against the applicant out of which, five cases are under the provisions of Excise Act before the year 2017, hence, he is not entitled for grant of bail.
5. In reply, it is submitted by the learned counsel for the applicant that all the previous cases have been decided and he was at liberty when he was arrested in this case, 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 45 bulk liters; offence is triable by the JMFC and the applicant is in jail since 03.03.2018, 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