

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2988 of 2018**

Shravan Kumar Kashyap, S/o. Govind, Aged About 50 Years, R/o.- Village-Khapri (Tod), Police Station- Mulmula, District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through- Station House Officer, Police Station-Mulmula, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Gurudev I. Sharan, 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. 40/2018, registered at Police Station- Mulmula, District – Janjgir – Champa (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and 420 of the Indian Penal Code.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 10 bulk liters and he was arrested on 01.04.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 01.04.2018; 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, one previous cases is registered against the applicant under the provisions of Excise Act, hence, he is not entitled for grant of bail.
5. In reply, it is submitted by the learned counsel for the applicant that in previous case 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 10 bulk liters; offence is triable by the JMFC and the applicant is in jail since 01.04.2018, 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