

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3072 of 2018

- Dharam Raj Dhritlahre S/o Shri Teej Lal Dhritlahre Aged About 24 Years R/o Village Chaurhanawagaon, P. S. Simga, Distt. Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, P. S. Simga, Distt. Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Pushpendra, Advocate.
For Respondent	:	Mr. Ashok Singhal, 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. 104/2018, registered at Police Station- Simga, District – Baloda Bazar- Bhatapara, (C.G.) for the offence punishable under Sections 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 19.800 bulk liters and he was arrested on 12.04.2018.

3. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case and he is in jail since 12.04.2018, 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, the applicant has two cases under Section 34(A) C.G.Excise Act in the year 2015, therefore, he may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized illicit liquor is 19.800 bulk liters; offence is triable by the JMFC and the applicant is in jail since 12.04.2018, 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.
7. 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