

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3271 of 2018

- Athit Jamhare S/o Mayaram Jamhare Aged About 44 Years R/o- Village- Kusmisarar, Post Kisdi, Cowki Baloda, Tahsil Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Saraipali, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.S. Rajput, Advocate
For Respondent	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15.05.2018

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.87/2018, registered at Police Station- Saraipali, District – Mahasamund, (C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that from the possession of this applicant 28 quarter of country liquor and 07 litre of mahua liquor was recovered and seized and he was arrested on 12.03.2018.
3. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case and he is in jail since 12.03.2018. 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 three previous cases under the provisions of C.G. Excise Act, therefore, he may not be released on bail.
5. Taking into consideration the totality of the circumstances, the quantity of seized illicit liquor, and the fact that offence is triable by the JMFC and the applicant is in jail since 12.03.2018, 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