

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3080 of 2018

- Laxmi Kumar Tandan S/o Madhuram Tandan, Aged About 24 Years
Caste Satnami, R/o Village Sapiya, Police Chowki Faguram, Police
Station- Dabhara, District Janjgir-Champa, Chhattisgarh., District :
Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Of Police Station Dabhara
Chowki Faguram, District Janjgir-Champa, Chhattisgarh., District :
Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Govind Dewangan, Advocate
For Respondent	:	Mr. Ashok Swarnakar, 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.166/2018, registered at Police Chowki- Faguram PS- Dabhara, District – Janjgir-Champa (C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act 1915.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 09 bulk liters and he was arrested on 29.03.2018.

3. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case and he is in jail since 29.03.2018, 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 one previous case under Section 34 (A) of C.G. Excise Act in the year 2013, 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 09 bulk liters; offence is triable by the JMFC and the applicant is in jail since 29.03.2018, 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