

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7385 of 2017

- Laxman Gendre S/o Late Sunder Lal Gendre Aged About 36 Years R/o Villege - Dumardih Ward No. 12 Thana Utai District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Excise Police Station Durg, District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Sanjay Kumar Agrawal, Advocate.
For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/01/2018

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. 101/2017, registered at Police Station- Excise Police, District – Durg (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 country made liquor measuring about 30.04 bulk liters and he was arrested on 02.10.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 02.10.2017; 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 criminal cases against him for the offence under Section 34(A) of Chhattisgarh Excise Act.

5. In reply, learned counsel for the applicant submits that applicant has been acquitted in both the previous cases against him.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized illicit country made liquor is 30.04 bulk liters; offence is triable by the JMFC and the applicant is in jail since 02.10.2017, 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge