

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 3185 of 2018

- Sundar Kenwat S/o Tahakram Kenwat Aged About 42 Years R/o Village Dhansir, Police Station Saliha, District (Revenue And Civil) Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Saliha, District (Revenue And Civil) Baloda Bazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sumit Jhawar, Advocate
For Respondent	:	Ms. Smita Ghai, 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.40/2018, registered at Police Station- Saliha, District – (Revenue and Civil) – Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act and Section 420 of Indian Penal Code.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 6 bulk liters and he was arrested on 19.04.2018.

3. Learned counsel for the applicant submits, that the applicant has falsely been implicated in this case and he is in jail since 19.04.2018, 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 previous cases out of which one is under the provisions of Cr.P.C, and one is under Section 34 (a) of the C.G. Excise Act, 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 6 bulk liters; offence is triable by the JMFC and the applicant is in jail since 19.04.2018, 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