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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3369 of 2018**

Sitaram Bariha S/o Parmanand Bariha Aged About 22 Years R/o- Village- Chhaperi, Police Station- Saliha, District (Revenue And Civil)- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Sanjeev Das, Advocate.
For the Respondent/State : Shri Neeraj Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.05.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.39 of 2018, registered at Police Station Saliha, District – Baloda Bazar- Bhatapara, Chhattisgarh for the offence punishable under Sections 34(2) and 34(C) of the Chhattisgarh Excise Act and Section 420 of the Indian Penal Code.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 10 bulk liters and he was arrested on 17.4.2018.
3. Learned counsel for the applicant submits that the applicant is in jail

since 17.4.2018 and the applicant has been falsely implicated in this case; therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 10 bulk liters; offence is triable by the JMFC and the applicant is in jail since 17.4.2018, this Court is inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge