

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3449 of 2018**

Dharmendra Gupta, S/o. Gajadhar @ Jagadhar Gupta, Aged About 28 Years,
R/o. Village Nawanagar, Police Station -Darima, Tahsil Ambikapur, District
Surguja Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station
Kotwali, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate
For Respondent : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/05/2018**

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. 223/2018, registered at Police Station- Kotwali, Ambikapur, District – Surguja (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 liquor measuring about 8.640 bulk liters and he was arrested on 30.04.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 30.04.2018; 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, one previous case under Section 34 (a) of Excise Act and one case under the provision of Indian Penal Code are registered against the applicant, hence, he is not entitled for grant of bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 8.640 bulk liters; offence is triable by the JMFC and the applicant is in jail since 30.04.2018, 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.

Certified as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge