

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3551 of 2018

- Indra Kumar Nishad S/o Jagdish Nishad Aged About 40 Years
R/o- Village Chakarway, Police Station Simga, Civil And
Revenue District- Baloda Bazar- Bhatapara, Chhattisgarh.,
District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police
Station Simga, Revenue And Civil District Baloda Bazar-
Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara,
Chhattisgarh

---- Respondent

For Applicant : Mr. Janak Ram Verma, Advocate

For Respondent/State : Mr. Anil Pandey, Govt. Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

08/06/2018

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 on 2-5-2018 in connection with Crime No. 126 of 2018, registered at Police Station Simga, District Baloda Bazar – Bhatapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. The allegation of the prosecution against the applicant is that the applicant was found in possession of illicit liquor measuring total about 7 liters and he was arrested on 2-5-2018 for the said offence.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 2-5-2018, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail, however, he submits that as per the information received from the concerned Station House Officer the applicant has no antecedent of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7 liters; there is no antecedent of the applicant of similar offence and the applicant is in jail since 2-5-2018, 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 and it is directed that the applicant shall be released on bail on his 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 before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(Ram Prasanna Sharma)
Vacation Judge