

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3652 of 2018

- Bhuwan Dhimar S/o Lt. Devnath Dhimar Aged About 30 Years
R/o- Baspai Para Rajnandgaon, Police Station- Basantpur,
District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon,
Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police
Station Basantpur, District- Rajnandgaon, Chhattisgarh., District :
Rajnandgaon, Chhattisgarh

For Applicant :Mr. Aditya S. Gupta, Advocate

For Respondent/State :Mr. Dheeraj Wankhade, 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 8-5-2018 in connection with Crime No. 14 of 2018, registered at Police Station Basantpur, Excise Circle-B, District Rajnandgaon (CG) for the offence punishable under Sections 34(1)(A), 34 (2) & 59(A) 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 of 50 bottle of icon classic whiskey each containing 180 ml and he was arrested on 8-5-2018 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 8-5-2018, 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 50 bottle each containing 180 ml; there is no antecedent of the applicant of similar offence and the applicant is in jail since 8-5-2018, 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