

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3848 of 2018**

Janak Kurre, Shri Sukhchand Kurre, Aged About 48 Years, R/o. Ghashidas Chowk Pirda, P. S. Vidhansabha, District Raipur, Chhattisgarh. Mobile No. 9171499412.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station- Vidhansabha, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. A.D.Kuldeep, Advocate

For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

25/06/2018

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 in connection with Crime No. 109/2018, registered at Police Station- Vidhansabha Raipur, District – Raipur (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 5.400 bulk liters and he was arrested on 29.03.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 29.03.2018; 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, five previous cases under Section 34 (2) and 34 (1) (a) of Excise Act are registered against the applicant, hence, he is not entitled for grant of bail.
5. In reply, it is submitted that the applicant was on bail at the time when he was arrested in all the above cases, therefore, it is prayed that he may be enlarged on bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.400 bulk liters; offence is triable by the JMFC and the applicant is in jail since 29.03.2018, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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 copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge