

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3993 of 2018**

Naresh Kumar Malhotra S/o Banshilal Malhotra, aged about 28 years,
Occupation - Labour, R/o village Belpara, Bhilaidadar, Thana
Komakhan, Tahsil Bagabahara, District Mahasamund (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through The Excise Officer, Excise Circle -
Bagbahara, District Mahasamund (C.G.).

---Respondent

For petitioner	:	Shri Vikas Pradhan, Advocate.
For State	:	Shri Prasoon Bhaduri, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

01/06/2018

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.14/2018, registered at Police Station Excise Circle Bagbahara, District Mahasamund (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 Zebra brand handmade country liquor measuring about 7.6 liters and he was arrested on 20/05/2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 20/05/2018; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that the applicant has been prosecuted on five occasions under the provision of the Chhattisgarh Excise Act, hence he is not entitled for grant of bail.

5. In reply, it is submitted by the learned counsel for the applicant that the applicant has been acquitted in all the cases levelled against him, therefore, he may be released on bail.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7.6 liters; offence is triable by the JMFC and the applicant is in jail since 20/05/2018, 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.

Sd/-

(Rajendra Chandra Singh Samant)
JUDGE

Sumit