

HIGH COURT OF CHHATTISGARH AT BILASPURMCRC No. 3972 of 2018

Deshiram Dansena S/o Bhagatram Dansena, aged about 50 years, R/o village Jabalpur, P.S. Bhupdevpur, District Raigarh (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through S.H.O. Police Station Bhupdevpur, District Raigarh (C.G.).

---Respondent

For petitioner	:	Shri Awadh Tripathi, 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.88/2018, registered at Police Station Bhupdevpur, District Raigarh (C.G.) for the offence punishable under Section 34(1)(a)(2) & 59(2)(a) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit country made mahua liquor measuring about 8 liters and he was arrested on 22/05/2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 22/05/2018; 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 a number of occasions under the provision of the Cr.P.C., 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 8 liters; offence is triable by the JMFC; all the previous case registered against the applicant have been concluded and the applicant has never been convicted in any of the case registered against him and the applicant is in jail since 22/05/2018, 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