

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3997 of 2018**

Ravi Agicha S/o Ashok Agicha, Aged About 24 Years R/o Sindhi Colony, Jarhabhata, Bilaspur, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station City Kotwali, Bilaspur, District Bilaspur Chhattisgarh

---Respondent

For Applicant	:	Ms. Madhunisha Singh, Advocate.
For State	:	Mr. Prasoon Bhaduri, G.A.

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.242/2018, registered at Police Station City Kotwali, District Bilaspur (C.G.) for the offence punishable under Section 34(2) & 59 of Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit Country Made Liquor measuring about 8.460 Bulk Litter and he was arrested on 24.05.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 24.05.2018; 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 previous occasions under the provisions 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 **8.460** liters; offence is triable by the J.M.F.C. and the applicant is in jail since 24.05.2018, 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

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