

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4041 of 2018

- Nitesh Sharma S/o Babulal Aged About 29 Years R/o Mahamaya Para Ratanpur Police Station Ratanpur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

 For Applicant : Mr. Varunendra Mishra, Advocate

For Respondent/State : Mr. Anil Pandey, 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 29-4-2018 in connection with Crime No. 156 of 2018, registered at Police Station Masturi, District Bilaspur C.G.) for the offence punishable under Sections 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 measuring total about 7 liters and he was arrested on 29-4-2018 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 29-4-2018, 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 7 liters; there is no antecedent of the applicant of similar offence and the applicant is in jail since 29-4-2018, 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