

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4295 of 2018**

Sanju Kumar Sarthi S/o Laxmi Prasad Aged About 22 Years R/o- Village Shivrinarayan, Police Station Shivrinarayan, District- Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station Shivrinarayan, District- Janjgir-Champa, Chhattisgarh.

----- Respondent

For Applicant : Mr. Rakesh Kumar Shukla, Advocate
For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/07/2018

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. 125/2018, registered at Police Station- Shivrinarayan, District – Janjgir-Champa (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 6.120 bulk liters and he was arrested on 03.05.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 03.05.2018;

therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, two previous of Excise Act, four preventive proceedings under the provisions of Cr.P.C. and one case under the provisions of Indian Penal Code are registered against the applicant. Therefore, he may not be released on bail.
5. In reply, it is submitted by the learned counsel for the applicant that the applicant was on bail in all the above cases at the time, when he was arrested, therefore, it is prayed that 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 6.120 bulk liters; offence is triable by the JMFC and the applicant is in jail since 03.05.2018, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge