

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4297 of 2018

- Ramesh S/o Suramram Lahre Aged About 48 Years R/o- Subhash Nagar Mahasamund, Thana, Tahsil And District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr.Vikash Pradhan, Advocate.
For Non-applicant/State	:	Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2018

1. This is second bail application of the applicant. First bail application of this applicant has been dismissed as withdrawn with liberty.
2. 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. 114/2018, registered at Police Station-Mahasamund, District–Mahasamund(C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
3. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 40.86 bulk liters and she was arrested on 1.3.2018.
4. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and she is in jail since 1.3.2018; therefore, she may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has previous antecedents of 42 cases under various provisions of IPC as well as under the provision of Excise Act along with cases of preventive nature under the provisions of CrPC.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 40.86 bulk liters; offence is triable by the JMFC and the applicant is in jail since 1.3.2018, 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. It is directed that the applicant shall be released on bail on her 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 her appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha