

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4555 of 2018**

Haneef Khan S/o Babu Khan Aged About 42 Years R/o- Gulab Nagar
Khedamara Police Station Jamul Tehsil And District- Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Excise Officer Circle Dhamdha, District-
Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vijay Kumar Sahu, Advocate
For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****09/07/2018**

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. 37/2018, registered at Police Station- Excise Officer Circle Dhamdha, District – Durg (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 5.58 bulk liters and he was arrested on 15.05.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 15.05.2018; 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, one previous case under the provisions of Indian Penal Code is registered against the applicant. Therefore, he may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.58 bulk liters; offence is triable by the JMFC and the applicant is in jail since 15.05.2018, 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.
7. 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