

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4771 of 2018**

- Prakash @ Bunty Gaharwal S/o Shri Prem Gaharwal Aged About 20 Years R/o- Mini Basti, Jarhabhatha, Police Station- Civil Line, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Civil Line, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Respondent**

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| For Applicant           | : | Mr. Aman Upadhyay, Advocate.  |
| For Non-applicant/State | : | Mr. N.K. Mehta, Panel Lawyer. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**16-07-2018**

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. 503/2018, registered at Police Station- Civil Line, District –Bilaspur(C.G.) for the offence punishable under Sections 34(A)(1), 34(2) & 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 9 bulk liters and he was arrested on 6.6.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 6.6.2018; 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, the applicant has previous antecedents but the documents have not been attached in the case diary.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9 bulk liters; offence is triable by the JMFC and the applicant is in jail since 6.6.2018, 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. 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**

Nisha