

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4742 of 2018**

- Kaushal Kumar Gurjar @ Golu S/o Mohan Lal Aged About 19 Years R/o Village Jarha, Police Station Beejpur, District Sonbhadra (U.P.), District : Sonbhadra, Uttar Pradesh

**---- Appellant**

**Versus**

- State Of Chhattisgarh Through S.H.O.- P.S. Sanawal District Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

**---- Respondent**

---

|                         |   |                                 |
|-------------------------|---|---------------------------------|
| For Applicant           | : | Mr. Manoj Mishra, Advocate.     |
| For Non-applicant/State | : | Mr. Anant Bajpai, Panel Lawyer. |

---

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

**Order on Board**

**17-07-2018**

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. 32/2018, registered at Police Station- Sanawal, District –Balrampur-Ramanujganj(C.G.) for the offence punishable under Sections 34(A)(1), (2) of the Chhattisgarh Excise Act.
2. Allegation against the applicant is that he was found in illegal possession of illicit liquor of about 149.60 bulk liters and therefore he was arrested on 22.05.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 22.05.2018; he was only the driver of the vehicle concerned. The applicant was not owner of the article transported in the said vehicle 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 information received from the concerned SHO, any offence of the similar nature has not been registered against the applicant. It is further submitted that the applicant is the resident of Uttar Pradesh and the trial against this applicant is in progress. Hence, the application may be rejected.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 149.60 bulk liters; offence is triable by the JMFC and the applicant is in jail since 22.5.2018, 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