

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5249 of 2018

- Mundu Ram Sahu S/o Late Darash Ram Sahu Aged About 60 Years R/o Village Godgoda, Police Station Punjipathra, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Punjipathra, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Amit Singh, Advocate.
For Non-applicant/State	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

31-07-2018

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. 80/2018, registered at Police Station-Punjipathara, District-Raigarh(C.G.) for the offence punishable under Sections 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 9.540 bulk liters and he was arrested on 12.7.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 12.7.2018; 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 3 previous antecedents in which one case under the provisions of Gambling Act, one under Section 36(C) and one proceeding of preventive nature under CrPC registered against him.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9.540 bulk liters; offence is triable by the JMFC and the applicant is in jail since 12.7.2018, 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 his 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