NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5248 of 2018

- Santosh Sahu S/o Parasram Sahu Aged About 40 Years R/o Village Sonadhih, Chowki, Karhi Bazar, P. S. City Kotwali Baloda Bazar- District Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali Baloda Bazar- District Baloda Bazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-08-2018

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. 359/2018, registered at Police Station-City Kotwali, District-Baloda Bazar-Bhatapara(C.G.) for the offence punishable under Sections 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 8.985 bulk liters and he was arrested on 10.7.2018.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 10.7.2018; 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 no previous antecedents of similar offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 8.985 bulk liters; offence is triable by the JMFC and the applicant is in jail since 10.7.2018, 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