

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5275 of 2018**

Sushil Rajak @ Golu S/o Bhagwan Das Rajak Aged About 25 Years R/o- Ward No. 5, Mauharpara Manendragarh, Police Station And Tahsil Manendragarh, District- Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Station House Officer, Police Of Police Station Manendragarh, District- Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mrs. Smita Ghai, 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.147/2018, registered at Police Station- Manendragarh, District – Korea (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 21.310 liters and he was arrested on 12.05.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 12.05.2018; 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, 2 previous preventive proceeding under the provisions of Cr.P.C., 1 case under the provisions of Excise Act and 2 prosecution under Indian Penal Code are 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 21.310 liters; offence is triable by the JMFC and the applicant is in jail since 12.05.2018, 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