HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5683 of 2018

Usman Khan S/o Gulam Haider Beg Aged About 26 Years R/o Bareth Para, Khairagarh District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Incharge Police Station City Kotwali, Police Chowki- Chikhli, District Rajnandgaon Chhattigarh.

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/08/2018

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. 60/2018, registered at Police Station- City Kotwali, Police Chowki- Chikhli, District – Rajnandgaon (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 81 bulk liters and he was arrested on 16.07.2018.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 16.07.2018; 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, six previous prosecution under the provisions of Indian Penal Code and preventive proceeding under the provisions of Cr.P.C. 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 81 bulk liters; offence is triable by the JMFC and the applicant is in jail since 16.07.2018, 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

Balram