

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5331 of 2018**

Bhagat Ram Gayakwad S/o Shri Bhurwa Ram Gayakwad Aged About 48 Years R/o Gram Ghorari, Post Karela, Thana Ranitarai, Tehsil Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate, Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sandeep Singh, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.08.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.48 of 2018, registered at Police Station Aarkshi Kendra Excise Circle Internal South, Durg, District – Durg, Chhattisgarh 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 15 bulk liters and he was arrested on 12.7.2018.
3. Learned counsel for the applicant submits that the applicant is in jail

since 12.7.2018 and the applicant has been falsely implicated in this case; therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has one previous antecedent under the provisions of Chhattisgarh Excise Act and one previous antecedent under the provisions of Cr.P.C. of preventive nature.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 15 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 the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge