

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5629 of 2018**

Rahul Gulahre, S/o. Late Sushil Gulahre, Aged About 24 Years, R/o.-
Rajkishor Nagar, P.S. Sarkanda, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- S.H.O. Sarkanda, P.S. Sarkanda, District-
Bilaspur, Chhattisgarh.

----- Respondent

For Applicant : Mr. Dheerendra Pandey, Advocate
For Respondent : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**13/08/2018**

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. 419/2018, registered at Police Station- Sarkanda, District – Bilaspur (C.G.) for the offence punishable under Section 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 6 bulk liters and he was arrested on 10.06.2018.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 10.06.2018; 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, three previous prosecution under the provisions of Indian Penal Code, one previous preventive proceeding under Cr.P.C. and one case under Gambling Act are registered against the applicant, hence, it is prayed that 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 6 bulk liters; offence is triable by the JMFC and the applicant is in jail since 10.06.2018, 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