

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 5604 of 2018**

Laxminarayan Bareth S/o Shri Kartikram Bareth Aged About 36 Years R/o-  
Village- Gobarsingha, Tahsil And Police Station- Baramkela, District-  
Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through- S.H.O. Of The Police Station- Baramkela,  
District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh.

**---- Respondent**


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For the Applicant : Shri Abhishek Saraf, Advocate.  
For the Respondent/State : Shri Ashok Swarnakar, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****08.08.2018**

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.127 of 2018, registered at Police Station Baramkela, District – Raigarh, Chhattisgarh for the offence punishable under Sections 34(2) and 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 40 bulk liters and he was arrested on 18.7.2018.
3. Learned counsel for the applicant submits that the applicant is in jail

since 18.7.2018 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 two cases of proceedings under the provisions of Cr.P.C. and five previous cases of Excise Act are pending against the applicant.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 40 bulk liters; offence is triable by the JMFC and the applicant is in jail since 18.7.2018, 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