

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No.7527 of 2018

Rohit Bariha S/o Shraddha Bariha Aged About 38 Years R/o Korrapani, Tahsil Sarangarh, Outpost Kanakbira, P. S. Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Outpost Kanakbira, P. S. Sarangarh, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Manoj Jaiswal, Advocate.
For State/Non-Applicant:	Shri Vaibhav A. Goverdhan, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

11.10.2018

1. This is the first bail application under Section 439 Cr.P.C for grant of regular bail as the Applicant is arrested in connection with Crime No.582/2018 registered at Police Station – Outpost Kanakbira Sarangarh, District Raigarh (CG) for the offence punishable under Sections 34(1)(a), 34(2) & 59(A) of Chhattisgarh Excise Act for illegally possessing 7 bulk liters of country made liquor.

2. Case of the prosecution is that on the basis of a secret information, a search was made on 04.09.2018 in which, 7 bulk liters of country made liquor was recovered from the possession of the Applicant. Based upon it, the alleged offence as mentioned above has been registered while arresting the

Applicant on 04.09.2018.

3. Learned Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the alleged crime. He further submits that the Applicant is in jail since 04.09.2018, therefore, he is liable to be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the prayer for bail, submits that the offence is of serious in nature and the alleged country made liquor was recovered from the possession of the Applicant and therefore, the bail application deserves to be rejected.

5. Having considered the facts and circumstances of the case and particularly keeping in view the quantity of liquor seized and that the Applicant is in jail since 04.09.2018, this Court is inclined to release the Applicant on bail. Accordingly, the bail application filed under Section 439 of the Cr.P.C is allowed and it is directed that the Applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed.

Sd/-

(Sanjay Agrawal)
JUDGE