

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5527 of 2017

- Ranjit Agrawal S/o Kisun Agrawal, Aged About 36 Years R/o Village Itwari Bazar, Khairagarh, Police Station & Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station & Tahsil Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Mr. C.K. Kesharwani, Advocate.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/01/2018

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. 235/2017, registered at Police Station- Khairagarh, 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 country made liquor measuring about 5.220 bulk liters and he was arrested on 14.7.2017. His application before the Court below has been rejected.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 14.7.2017; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that applicant is habitual offender and has a history of various cases under the provision of IPC and CrPC and also some offence under the provisions of CG Excise Act, hence, he is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized country made liquor is 5.220 bulk liters; offence is triable by the JMFC and the applicant is in jail since 14.7.2017 and there is no report against the applicant, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge