

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7513 of 2018**

Jwala Markam S/o Manharan Markam Aged About 27 Years R/o Dewarpara Kasaridih Durg Tehsil And District Durg Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh.

---- Non-applicant

For Applicant:

Shri V. K. Sahu, Advocate.

For State/Non-applicant:

Shri Adil Minhaj, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J**Order On Board****11.10.2018**

1. This is the first bail application filed by the Applicant under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') for grant of regular bail as he has been arrested on 11.09.2018 in connection with the crime No. 724/2018 registered in Police Station-City Kotwali Durg, District-Durg(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.

2. Case of the prosecution is that on the basis of secret information, a search was made on 11.09.2018, in which 5.22 bulk liters hand made liquor was recovered from the possession of the Applicant. Based upon which the alleged offence as mentioned hereinabove has been registered while arresting the Applicant on 11.09.2018.

3. Shri V. K. Sahu, learned counsel for the Applicant submits that the applicant is innocent and has been falsely implicated in connection with the said

crime. He submits further that the Applicant is in jail since 11.09.2018, therefore, he may be enlarged on bail.

4. On the other hand, Shri Adil Minhaj, learned counsel for the State while opposing the bail application submits that the offence is serious in nature and the alleged liquor was seized from his possession, therefore, the application as framed deserves to be rejected.

5. I have heard learned counsel for the parties and perused the entire case diary carefully.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor was 5.22 bulk liters and as the Applicant is in jail since 11.09.2018, I am inclined to enlarge the Applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed, the applicant shall be released on bail. It is, however, made it clear that I have not entered into the merits of the case and the trial Court shall proceed with the matter without influencing any of the observations of mine.

Sd/-

(Sanjay Agrawal)
JUDGE