

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 7429 OF 2018

Rajkumar Sahu S/o Dashrath Sahu Aged About 32 Years Caste Teli, R/o Village Katgodi, P. S. And Tahsil Sonhat, District Korla Chhattisgarh.

... Applicant

Versus

The State of Chhattisgarh, through SHO, Sonhat, District Korla (CG).

... Respondent

For Applicant	:	Shri AK Prasad, Advocate.
For Respondent-State	:	Shri RN Pusty, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/10/2018

1. This is first bail application seeking grant of bail to the Applicant who is in jail since 08.09.2018 in connection with Crime No. 121 of 2018 registered at Police Station Sonhat, Distt. Korla, for the offence punishable under Section 34(2) of the Excise Act.
2. As per prosecution case, the applicant was found to be in possession of 21.215 bulk liters of foreign liquor on 08.09.2018. The applicant has remained in custody for about 1 and ½ months and that the prosecution has not been able to establish exclusive possession of the liquor from the present applicant. He has been falsely implicated in the case. Therefore, the applicant may be released on bail.
3. The State counsel however opposing the application submits that the applicant has a track record in as much as he is inflicted in four other criminal cases which would establish that he is a habitual offender and therefore he does not deserve for bail.

4. The counsel for the applicant at this juncture submits that out of four cases registered against the applicant, he has been acquitted in three cases and last one is at the verge of conclusion.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking into consideration the period of custody undergone; considering the quantity of liquor seized from the possession of the applicant and also the fact that out of four criminal cases, the applicant has acquitted in three cases, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge