

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7493 of 2018**

Santosh Khunte S/o Shri Sakhiram Khunte Aged About 32 Years R/o Village- Khursi, Police Station- Kosir, Tahsil- Sarangarh, District- Raigarh, Chhattisgarh.

---- **Applicant**

Versus

The State Of Chhattisgarh Through The Officer In-Charge Of Police Chowki- Kosir, Police Station- Sarangarh, Tahsil- Sarangarh, District- Raigarh, Chhattisgarh. (Wrongly Mentioned As Police Station- Kosir In The Cause Title But The Learned Court Below Has Mentioned As Police Station- Sarangarh In The Impugned Order.)

---- **Non-applicant**

For Applicant:

Shri Roop Naik, Advocate.

For State/Non-applicant:

Shri Ravindra Agrawal, Govt. Advocate.

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 16.09.2018 in connection with the crime No. 611/2018 registered in Police Chowki-Kosir, Police Station- Sarangarh, District-Raigarh(C.G.) for the offence punishable under Sections 34(2) and 59-A of the Excise Act, 1915.

2. Case of the prosecution is that on the basis of secret information, a search was made on 16.09.2018, in which 20 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 16.09.2018.

3. Shri Roop Naik, 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 16.09.2018, therefore, he may be enlarged on bail.

4. On the other hand, Shri Ravindra Agrawal, 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 20 bulk liters and as the Applicant is in jail since 16.09.2018, therefore, 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