

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7492 of 2018**

Jhasketan @ Malikram, S/o Shri Tularam, Aged About 24 Years,
R/o Village Kotra, Deepa Para, Police Station- Saria And District -
Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through -S.H.O. Of The Police Station
Saria, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Abhishek Saraf, Advocate.

For Non-Applicant/State : Shri Ravindra Agrawal, G. A.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****11.10.2018**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of bail, as the applicant has been arrested on 19.09.2018 in connection with Crime No. 201/2018, registered in Police Station Saria, District Raigarh (C.G.) for the offence punishable under Section 34(2) & 59-A of the Chhattisgarh Excise Act, 1915 (for short 'the Excise Act 1915').
2. The case of the prosecution, is that on the basis of secret

information, a search was made on 19.09.2018 at 4:00 pm in which 10 bulk litre hand made mahua liquor amounting to Rs.1,500/- was recovered from the applicant. Based upon it, the alleged offence has been registered, while arresting the applicant on 19.09.2018.

3. Shri Abhishek Saraf learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in connection with the aforesaid crime. He submits further that he has no previous record with regard to the offence punishable under the Excise Act, therefore, the applicant who is in jail since 19.09.2018 may kindly be enlarged on bail.
4. On the other hand, learned State counsel opposes the bail application and submits that the offence is serious in nature and the alleged hand made mahua liquor was seized from the possession of the applicant. He submits further that as per the information received from the concerned Station House Officer, the applicant has no previous antecedents of similar offence.
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 the seized liquor is 10 bulk litres and as per the information received from the Station House Officer that the applicant was not involved earlier in similar offence and considering further that the applicant is in jail since 19.09.2018, I am inclined to enlarge him on bail.

7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his furnishing a personal bond in sum of Rs. 50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the concerned trial Court. He is directed to appear before the concerned trial Court on each and every date as and when directed by the concerned trial Court.
8. It is made clear that I have not entered into the merits of the case and the trial Court shall not be influenced by any of the observations of mine, while allowing this bail application.

Sd/-
(Sanjay Agrawal)
Judge