

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7539 of 2018**

Suresh Kumar, S/o Shri Maheshwar Prasad Sonjhari, Aged About 37 Years, R/o Madai, Bhathapara, Post Seepat, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Seepat, District Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Dharmesh Shrivastava, Advocate.

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

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****12.10.2018**

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 18.09.2018 in connection with Crime No. 280/2018, registered in Police Station Seepat, District Bilaspur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. The case of the prosecution, is that on the basis of secret information, a search was made on 18.09.2018 in which 6.25 bulk litres country made liquor was recovered from the possession of

the applicant. Based upon it, the alleged offence has been registered, while arresting the applicant on 18.09.2018.

3. Shri Dharmesh Shrivastava 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 as the applicant is in jail since 18.09.2018, therefore, he may 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 charge sheet is yet to be filed, 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 the seized liquor is 6.25 bulk litres and as the applicant is in jail since 18.09.2018, 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

Deepti Jha