

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7927 of 2017

- Punitram Bhoi S/o Shri Beemadhar Bhoi Aged About 35 Years R/o Village Bodsara, Thana And Tahsil Saraypali, Civil And Revenue Distt. Mahasamund Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Excise Officer, Excise Circle Mahasamund Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sumit Shrivastava, Advocate
For Respondent	:	Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/01/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 19/2017, registered at Police Station- Excise Circle Saraypali, District – Mahasamund(C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 30 bulk liters and he was arrested on 09.11.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 09.11.2017; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has one previous antecedents of similar offence.
5. There is no conviction against the applicant in any of the previous case registered against him.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 30 bulk liters; offence is triable by the JMFC and the applicant is in jail since 09.11.2017, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge