

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 145 of 2018

- Ajay Gendre S/o Late Amrit Gendre, Aged About 30 Years R/o Village Bhejrideeh, Police Station Kharora, District (Revenue And Civil) Raipur Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kharora, District (Revenue And Civil) Raipur Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Jhavar, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 25-11-2017 in connection with Crime No.388/2017 registered at P.S. Kharora, District Raipur, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The seizure of illegal liquor in this case had been made from the open spot near the canal situated on Government land. None of the witnesses have made any statement against this applicant that he was the owner or possessor of the article seized. The applicant is in jail since 25-11-2017. Hence, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State/non-applicant opposes the application and submission.
4. Heard learned counsel for both the parties and perused the case diary.
5. 328.320 bulk liter foreign liquor was seized from the place behind the rest house at Kanki Naharpar, on the basis of the information received from the

informer, the applicant had been accused in this case.

6. Considered on the submissions made and the contents of the case diary.

7. Considering on the evidence that is proposed to be produced against this applicant in the prosecution case and that recovery is not direct from the applicant, I am of this view that he is entitled for grant of bail.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge