

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3549 of 2019**

- Shankar Panka So Late Lakhanlal Panka Aged About 40 Years R/o Satbahaniya Gali, Shriram Chowk, Tikrapara, Raipur District Raipur Chhattisgarh. Mo. No. 6262924269., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

 For the applicant : Ms. Sunita Sahu, Advocate.
 For the respondent/State : Mr. Raghavendra Verma, Govt. Adv.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****07-06-2019**

1. This is first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 27-4-2019 in connection with Crime No. 318 of 2019 registered at Police Station Tikrapara, Raipur, District Raipur (CG), for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid/inspection was conducted by the Police party, 5.300 bulk liters of illicit liquor was seized from the possession of the applicant.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case as no seizure was made from him. He would further submit that the applicant is in jail since 27-4-2019 and the the alleged seizure having been made, no further investigation is necessary, therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel opposes the application for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is only 5.300 bulk liters, offence is triable by the JMFC and the applicant is in jail since 27-4-2019, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- with one local surety in the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules

Sd/-

(Ram Prasanna Sharma)
Vacation Judge

Raju