

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4537 of 2019**

- Raghunath, S/o Ghanuva, Aged About 32 Years, R/o Silhati, Police-Station S. Lohara, District-Kabirdham, Chhattisgarh.

**---- Applicant**

**Versus**

- The State of Chhattisgarh Through Station House Officer, Police-Station S. Lohara, District-Kabirdham, Chhattisgarh.,

**---- Respondent**

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| For Applicant           | : | Mr. Amit Kumar Sahu, Advocate. |
| For Non-applicant/State | : | Mr. Lav Sharma, Panel Lawyer.  |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**22-07-2019**

1. This is 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.93/2019, registered at Police Station- S. Lohara, District-Kabirdham (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 5.760 bulk liters and he was arrested on 06.06.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 06.06.2019; 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 information received from the concerned SHO, 14 previous cases were registered against the applicant and out of

which, four cases were registered under the Excise Act.

5. In reply, learned counsel for the applicant submits that either the applicant has been acquitted or granted bail in the earlier cases.
6. Taking into consideration the totality of circumstances and further considering the quantity of seized liquor i.e. 5.760 bulk liters, and that the offence is triable by the JMFC and the applicant is in jail since 06.06.2019, 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. It is directed that the applicant shall be released on bail on his 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.

Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**

**Nisha**