

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5218 of 2019**

Fagu Lal Sarthi S/o Monulal Aged About 40 Years R/o Village Bhawarpur,
Police Station And Tahsil- Baramkela, Taluka- Sarangarh, District Raigarh
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Baramkela, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Ashish Gupta, Advocate.
For the Respondent/State : Shri Priyanshu Gupta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.08.2019**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.76 of 2019, registered at Police Station Baramkela, District – Raigarh, Chhattisgarh for the offence punishable under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 13 bulk liters and he was arrested on 25.5.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 25.5.2019 and the applicant has been falsely implicated in this case; therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has criminal history of having been prosecuted in 13 cases out of which, in two cases he has been prosecuted under the provisions of Excise Act.

5. In reply, it is submitted by counsel for the applicant that all the previous cases against the applicant are disposed off.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9.720 bulk liters; offence is triable by the JMFC and the applicant is in jail since 12.7.2019, this Court is inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge