

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5216 of 2019**

Nirmal Bahadur Soni S/o Late Dev Bahadur Soni, Aged About 40 Years
Caste Soni, R/o Bazarpara, Barbaspur, Police Station Pondi, Tahsil
Manendragarh District Koriya Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Excise Officer, Excise Circle
Manendragarh, District Korea Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil S. Pandey, 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.28 of 2019, registered at Police Station Excise Circle, Manendragarh, District – Korea, Chhattisgarh 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 43.85 bulk liters and he was arrested on 22.7.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 22.7.2019 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 one previous prosecution under Section 36(6) of the Excise Act.

5. In reply, it is submitted by counsel for the applicant that the applicant has been acquitted in the previous case prosecuted against him.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 43.85 bulk liters; offence is triable by the JMFC and the applicant is in jail since 22.7.2019, 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

Nimmi