

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5251 of 2019**

- Dikeshwar Kumbhkar S/o Shri Chandulal Kumbhkar Aged About 25 Years Occupation Labour, R/o Village Dadhi, District Bemetara Chhattisgarh. Aadhar No.539089089052, Mob. No. 8120651168.

**---- Applicant**

**Versus**

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

**---- Respondent**

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| For Applicant           | : | Mr. C.R. Sahu, Advocate.       |
| For Non-applicant/State | : | Mr. Kapil Maini, Panel Lawyer. |

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

**Order on Board**

**20-08-2019**

1. This is the 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. 312/2019, registered at Police Station- Kharora, District–Raipur(C.G.) for the offence punishable under Sections 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 34.200 bulk liters and he was arrested on 27.7.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 27.7.2019; 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 the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact

that the quantity of seized liquor is 34.200 bulk liters; offence is triable by the JMFC and the applicant is in jail since 27.7.2019, this Court is inclined to release the applicant on bail.

6. 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 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