

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5487 of 2019**

Ghasiyaram S/o Munuram Aged About 62 Years R/o Village Lawsara, Road, Baradwar, Police Station Baradwar District Janjgir- Champa Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through District Magistrate, Excise Flying Scott Janjgir, District Janjgir- Champa Chhattisgarh.

---- Respondent

For the Applicant : Shri B.L. Sahu, Advocate.
For the Respondent/State : Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****27.08.2019**

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.174 of 2019, registered at Police Station Excise Flying Scott Janjgir, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 34(1)A and 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 12 bulk liters and he was arrested on 3.8.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 3.8.2019 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 bail application and the submissions made in this respect. It is submitted that the applicant has a criminal history of two proceedings under the provisions of Cr.P.C. and one prosecution under Section 395 of the IPC.

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

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 12 bulk liters; offence is triable by the JMFC and the applicant is in jail since 3.8.2019, 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge