

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5454 of 2019**

Tipu @ Narayan Yadav S/o- Late Jairam Yadav Aged About 36 Years R/o - Bazar Chowk Changorabhata, Police Station - D.D. Nagar, Tahsil And District Raipur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station - D.D. Nagar Raipur, District - Raipur Chhattisgarh.

---- Respondent

For the Applicant : Shri Rakesh Thakur, Advocate.
For the Respondent/State : Shri Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****26.08.2019**

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.271 of 2019, registered at Police Station D.D. Nagar, Raipur, District – Raipur, 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 6.300 bulk liters and he was arrested on 4.8.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 4.8.2019 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 there are six criminal antecedents against the applicant. Out of which, two cases are of Excise Act. Hence, for these reasons, he is not entitled for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.300 bulk liters; offence is triable by the JMFC and the applicant is in jail since 4.8.2019, this Court is inclined to release the applicant on bail.

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

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge