

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5547 of 2019**

Maksudan Singh S/o Late Shri Ramdahin Singh Aged About 31 Years R/o Bodra Road Jagidipa, P.S.- Patewa, Civil And Revenue District- Mahasamund, Chhattisgarh.

---- Applicant**Versus**

The State Of Chhattisgarh Through The Station House Officer, Police Station Patewa, District- Mahasamund, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sumit Shrivastava, Advocate.
For the Respondent/State : Shri Neeraj Pradhan, 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.151 of 2019, registered at Police Station Patewa, District – Mahasamund, 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 8.640 bulk liters and he was arrested on 13.8.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 13.8.2019 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 two previous cases against the applicant under Section 34(2) of the 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 8.640 bulk liters; offence is triable by the JMFC and the applicant is in jail since 13.8.2019, 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