

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5714 of 2019

- Sandeep Kumar Saw S/o Munarik Saw Aged About 30 Years Resident Of Village Sankara Thana- Sankara, Tahsil- Pithora, District- Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Sankara, District- Mahasamund Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shaleen Singh Baghel, Advocate.
For Non-applicant/State	:	Mr. Chandrabhushan Kesharwani, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2019

Heard.

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. 153/2019, registered at Police Station- Sankara, District- Mahasamund, (C.G.) 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 25.920 bulk liter and he was arrested on 21.08.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 21.08.2019; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and submits

that the applicant has been prosecuted thrice for offence under Section 34(2) of C.G. Excise Act. Also, there are some previous antecedents against the applicant under the provisions of Excise Act. Hence, he is not entitled for grant of bail.

5. In reply, it is submitted that two previous cases of Excise Act have been disposed off, whereas only one is pending in which the applicant is on bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 25.920 bulk liter; offence is triable by the JMFC and the applicant is in jail since 21.08.2019, this Court is inclined to release the applicant on bail.
7. 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 his 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.
8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge