

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5798 of 2019

- Ramdular, S/o Chaitram Satnami, Aged About 42 Years, R/o Village Sonikapara, (Maaro), Chowk Maaro, Police Station Nondghat, District Bemetara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Excise Circle, Police-Station-Bemetara, District Bemetara Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjeev Kumar Sahu, Advocate.
For Non-applicant/State	:	Mr. Priyanshu Gupta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-09-2019

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. 47/2019, registered at Police Station- Excise Circle Police, Bemetara, District-Bemetara(C.G.) for the offence punishable under Sections 34(1)(A) & 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 9 bulk liters and he was arrested on 16.08.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 16.08.2019; 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 8 previous antecedents, out of which 5 cases of

preventive nature, 2 previous cases of Excise Act and one prosecution under various provisions of IPC.

5. In reply, learned counsel for the applicant submits that applicant has been acquitted in all the previous cases against him.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9 bulk liters; offence is triable by the JMFC and the applicant is in jail since 16.08.2019, 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 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