

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5834 of 2019**

Bhushan Tandi S/o Ishwar Tandi Aged About 35 Years R/o Village Bhatkunda, Police Station Sankara, Tehsil Pithora, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Sudhir Kumar Sahu, Advocate.
For the Respondent/State : Shri Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.09.2019**

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.64 of 2016, registered at Police Station Sankara, 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 18 bulk liters and he was arrested on 22.8.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 22.8.2019 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 prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has history of criminal record having one case registered against him for the offence under Section 34A of the Excise Act. Hence, the applicant 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 18 bulk liters; offence is triable by the JMFC and the applicant is in jail since 22.8.2019, 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge