

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5988 of 2019**

Avinash Verma S/o Dhanesh Verma Aged About 26 Years Caste Lodhi, R/o Village Achholi, Post Office And Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri Shivendu Pandya, Advocate.
For the Respondent/State : Shri Shrikant Kaushik, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.09.2019**

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.426 of 2019, registered at Police Station Dongargarh, District – Rajnandgaon, 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 17.280 bulk liters and he was arrested on 16.8.2019.

3. Learned counsel for the applicant submits that the applicant is in jail since 16.8.2019 and the applicant has been falsely implicated in this case; therefore, he may be released on bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant has a history of four previous criminal antecedents having three cases under the provisions of Indian Penal Code and one case under the provisions of Chhattisgarh Excise Act.

5. In reply, it is submitted by counsel for the applicant that all the previous cases registered against the applicant have been disposed off, therefore, it cannot be made a ground for rejection of this application.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 17.280 bulk liters; offence is triable by the JMFC and the applicant is in jail since 16.8.2019, this Court is inclined to release the applicant on bail.

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

8. 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.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi