

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5887 of 2019

Tillu @ Ashok Bagh S/o Shri Ajit Bagh Aged About 28 Years R/o Samta Colony, Arjun Nagar, Raipur, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Azad Chow, Raipur District - Raipur Chhattisgarh.

---- Respondent

For Applicant : Mrs. Sunita Sahu, Advocate
For Respondent : Mr. Roshan Dubey, P.L.

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.232/2019, registered at Police Station- Azad Chowk, Raipur, District – Raipur (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 5.220 liters and he was arrested on 23.07.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 23.07.2019; 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, two previous cases under the provisions of Indian Penal Code are registered against the applicant, therefore, he may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.220 liters; offence is triable by the JMFC and the applicant is in jail since 23.07.2019, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge