

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6187 of 2019

- Ashok Chakradhari S/o Shubhas Chakradhari Aged About 20 Years R/o Village Beldhi, Out Post Bundeli, Thana- Tendukona, Tahsil Pithora, District- Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Out Post Bundeli, Thana Tendukona, District- Mahasamaund, Chhattisgarh

---- Respondent

For Applicant : Mr. Deepak Jain, Advocate.

For Non-applicant/State : Mr. Neeraj K. Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-09-2019

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.106/2019, registered at Police Station- Outpost Bundeli Thana- Tendukona, 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 13 bulk liter and he was arrested on 30.08.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 30.08.2019; 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 in two previous cases one under I.P.C. and second under Excise Act. Hence, he 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 13 bulk liter; offence is triable by the JMFC and the applicant is in jail since 30.08.2019, 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. 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.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge