HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6031 of 2019

Ashwan Khare S/o Shri Genda Khare Aged About 32 Years R/o Village Sukuldaihan Satnami Para, Thana- Gaindatola, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through The Station Of Officer- Lalbagh Rajnandaon, District- Rajnandaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.S. Baghel, Advocate
For Respondent : Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/09/2019

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.420/2019, registered at Police Station- Lalbag, District – Rajnandgaon (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 5.040 bulk liters and he was arrested on 29.08.2019.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 29.08.2019; 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 5 previous cases registered against him out of which 3 cases are of Excise Act and 2 cases are of under the provisions of I.P.C., therefore, it is prayed that the applicant may not be released on bail.

5. In reply, it is submitted that only one case of Excise Act is pending, in which the applicant is on bail and rest of the cases against the applicant has been disposed off.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.040 bulk liters; offence is triable by the JMFC and the applicant is in jail since 29.08.2019, 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.

8. 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

Balram