

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6093 of 2019

- Prabhat Kumar S/o Shri Manrakhan Sonbahir Aged About 52 Years R/o Village Belargondi, Thana- Gaindatola, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station Of Officer- Excise Circle Dongarhgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S.S. Baghel, Advocate.
For Non-applicant/State	:	Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-09-2019

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. 114/2019, registered at Police Station- Excise Circle, Dongarhgaon, District–Rajnandgaon(C.G.) for the offence punishable under Sections 34(2), 36 & 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 14.400 bulk liters and he was arrested on 25.8.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 25.8.2019; 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 14 previous antecedents in which 5 cases under the provisions of Excise Act.

5. In reply, it is submitted by the counsel for applicant that out of the previous criminal antecedent 13 have been disposed of only one case pending in which applicant is on bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 14.400 bulk liters; offence is triable by the JMFC and the applicant is in jail since 25.8.2019, 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. 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 copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha