

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6143 of 2019**

Uttam Sahu S/o Bhondu Ram Sahu Aged About 38 Years R/o Village Bandha Bazar, Police Station Ambagarh Chowki, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Samir Singh, Advocate.
For the Respondent/State : Shri Neeraj Pradhan, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.09.2019**

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.177 of 2019, registered at Police Station Ambagarh Chowki, 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 6.300 bulk liters and he was arrested on 4.9.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 4.9.2019 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 one case under the provisions of Chhattisgarh Excise Act.

5. In reply, it is submitted by counsel for the applicant that the previous case registered against the applicant has been disposed of, 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 6.300 bulk liters; offence is triable by the JMFC and the applicant is in jail since 4.9.2019, 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