

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6159 of 2019**

Rajesh Kurre S/o Ramashankar Kurre Aged About 24 Years R/o Barda,
Kasdol, District- Baloda Bazar, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Outpost Lavan, P.S.
Kasdol, District- Balodabazar, Chhattisgarh.

---- Respondent

For the Applicant : Shri Yogesh Chandra, Advocate.
For the Respondent/State : Shri Avinash K. Mishra, 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.616 of 2019, registered at Out Post Lavan, Police Station Kasdol, District – Baloda Bazar, 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 7.2 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 criminal history of having been prosecuted under the provisions of preventive procedure of Cr.P.C. and IPC.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7.2 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.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge