

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6174 of 2019

- Ajay Kumar Yadav, S/o Shri Siboram Yadav, Aged About 26 Years, R/o Village-Fokatpara Devbhog, Police Station-Devbhog, District-Gariaband Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police-Station-Devbhog, District-Gariaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Pragalbha Sharma, Advocate.
For Non-applicant/State	:	Mr. Avinash Kumar Mishra, 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. 154/2019, registered at Police Station-Devbhog, District-Gariaband(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 8.640 bulk liters and he was arrested on 26.7.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 26.7.2019; therefore, he may also 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 one previous antecedent under Section 25, 27

of Arms Act.

5. In reply, it is submitted by counsel for applicant that applicant was at liberty when he was arrested in this case.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 8.640 bulk liters; offence is triable by the JMFC and the applicant is in jail since 28.8.2019, 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