

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6263 of 2019

- Mohammad Rashid S/o Mohammad Yaquab Aged About 62 Years R/o Kasai Mohalla, Imambada, Camp-2, Police Station Chhawani, Bhilai, District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Through Police Station Chhawani, District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Rajeev Kumar Jain, Advocate.

For Non-applicant/State : Mr. Jitendra Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-09-2019

Heard.

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.487/2019, registered at Police Station- Chhawani, District- Durg, (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 5.580 bulk liters and he was arrested on 30.08.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 30.08.2019; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and submits

that the applicant has been prosecuted in 11 previous cases in which five cases are under Excise Act and six are under provisions of I.P.C. Hence, he is not entitled for grant of bail.

5. In reply, it is submitted that all the previous cases have been disposed off.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.580 bulk liters; offence is triable by the JMFC and the applicant is in jail since 30.08.2019, 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. It is directed that the applicant shall be released on bail on his 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge