

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6241 of 2019

- Vikram Ogre S/o Mehattar Ogre Aged About 24 Years R/o Village Nayakbandha, Police Station Abhanpur, Tahsil And District- Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Abhanpur, District- Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Bishnu Muni, Advocate.

For Non-applicant/State : Mr. Kapil Maini, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-09-2019

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.406/2019, registered at Police Station- Abhanpur, District- Raipur, (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 5.940 bulk liters and he was arrested on 11.08.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 11.08.2019; 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 two previous cases under Excise Act in the year 2019. Hence, he is not entitled for grant of bail.

5. In reply, it is submitted that the 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 5.940 bulk liters; offence is triable by the JMFC and the applicant is in jail since 11.08.2019, 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