

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6310 of 2019

Deauk Fekar, S/o. Samaru Fekar, Aged About 45 Years, Kosmandi, Palari,
District Baloda Bazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police of Police
Station - Palari, District - Baloda Bazar -Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Arijit Tiwari, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

30/09/2019

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.334/2019, registered at Police Station- Palari, District – Baloda Bazar – Bhatapara (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 126 bulk liters and he was arrested on 24.08.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 24.08.2019. Similarly placed co-accused persons have been enlarged on bail.

Therefore, he may also be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and submission made in this respect. It is submitted that the applicant is the main accused, who was in possession of the illicit liquor. Therefore, he may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 126 bulk liters; offence is triable by the JMFC, the applicant is in jail since 24.08.2019 and the similarly placed co-accused persons in this case have been granted bail by this Court, hence for this reason, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge