

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6402 of 2019

Devcharan Verma, S/o. Bisouha Verma, Aged About 36 Years, R/o. Village Jota, Police Station Tilda, District Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Excise Circle Tilda, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mrs. Sunita Sahu, Advocate

For Respondent : Mr. Sanjay Pathak, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/10/2019

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.38/2019, registered at Police Station- Excise Circle, Tilda, District – Raipur (C.G.) for the offence punishable under Section 34 (2), 59A, (1) (2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 12.600 liters and he was arrested on 13.09.2019.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 13.09.2019; therefore, he may 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 2 previous cases registered against him under the provisions of of Excise Act, therefore, it is prayed that the applicant may not be released on bail.
5. In reply, it is submitted that all the cases registered against the applicant have been disposed off.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 12.600 liters; offence is triable by the JMFC and the applicant is in jail since 13.09.2019, 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.
8. 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