

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2390 of 2020**

Baisakhu Khadiya S/o Samaru Khadiya Aged About 65 Years R/o Kalga Muda Urdana Ward No. 46, PS City Kotwali, Tahsil And District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Thana In-Charge, PS City Kotwali, District Raigarh Chhattisgarh.

---- Respondent

For the Applicant : Shri Rajendra Tripathi, Advocate.
For the Respondent/State : Shri H.S. Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.05.2020**

The default pointed out by the Registry is waived.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.305 of 2020, registered at Police Station City Kotwali, District – Raigarh, Chhattisgarh for the offence punishable under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 8 bulk liters and he was arrested on 17.4.2020.
3. Learned counsel for the applicant submits that the applicant is in jail

since 17.4.2020 and the applicant has been falsely implicated in this case; therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 8 bulk liters; offence is triable by the JMFC and the applicant is in jail since 17.4.2020, this Court is inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge