

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2405 of 2020

Niti Niyal Kakdi S/o Ishwar Dan Kakdi Aged About 32 Years R/o Near Adawal Railway Gate, Police Station Bodhghat, Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Bodhghat, District Bastar, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For Respondent : Mr. Siddharth Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/05/2020

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.136/2020, registered at Police Station- Bodhghat, District – Bastar (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 15.400 bulk liters and he was arrested on 26.04.2020.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 26.04.2020; therefore, he may be released on bail.

4. Learned State counsel opposes the application for grant of bail and the submission made in this respect. It is further submitted that the offence has been committed during the lock-down period, 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 15.400 bulk liters; offence is triable by the JMFC and the applicant is in jail since 26.04.2020, 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