

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2413 of 2020

- Hem Kumar S/o Mangal Das Kosariya Aged About 33 Years R/o Village Bandabari, Police Station Sankara, District Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Sankara, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant : Mr. Vaibhav A. Goverdhan, Advocate.

For Non-applicant/State : Mr. Vivek Ranjan Tiwari, Additional A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-05-2020

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. 55/2020, registered at Police Station- Sankara, District- Mahasamund, (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 20 bulk liter and he was arrested on 21.04.2020.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 21.04.2020, and also submits that there is no previous history of similar nature against the applicant, 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 for offence under Section 34(2) of C.G. Excise Act. Hence, he is not entitled for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 20 bulk liter; offence is triable by the JMFC and the applicant is in jail since 21.04.2020, 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. 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.
7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge