

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7711 of 2021

Deepak Mahilange, S/o Late Shri Raghuram Mahilange, Aged About 37 Years, R/o Village - Musurputta, Police Outpost - Dudhawa, Thana & Tahsil - Narharpur, District- North Baster Kanker (C.G.)

--- Applicant

Versus

The State of Chhattisgarh, Through Station House Officer, Police Out Post - Dudhawa, Thana - Narharpur, District- North Baster Kanker (C.G.)

--- Respondent

For Applicant : Mr. Santosh Das, Advocate on behalf of
Mr. Sunil Sahu, Advocate.
For State/ Respondent : Mrs. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

27/10/2021

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 on 22.09.2021 in connection with Crime No. 125/2021, registered at Police Out post- Dudhawa, Police Station- Narharpur, District- North Baster Kanker (C.G.) for the offence punishable under Sections 34 (2) of the Chhattisgarh Excise Act.
2. Case of the prosecution in brief is that on 22.09.2021, secrete information was received by the police that the applicant has kept liquor in his house situated at Village- Musurputta. The police conducted raid and recovered 6.440 bulk liter of liquor from possession of the applicant, therefore, the offence under Section 34 (2) of the Excise Act has been registered against the applicant.
3. Learned counsel for the applicant would submit that the applicant

has been falsely implicated in the crime in question. He would further submit that the applicant has no previous criminal antecedent and he is in custody since 22.09.2021 and the trial is likely to take some time for its final disposal. Hence, it is prayed that this applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposing the bail application submits that there is clear allegation against this applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
5. Heard learned counsel for both the parties and perused the case diary.
6. Perusal of the case diary would reveal that 6.440 bulk liter of liquor has been recovered from possession of the applicant.
7. Considering the facts and circumstances of the case, quantity of illicit liquor, the applicant is in jail since 22.09.2021 and the fact that the offence is triable by Magistrate and that conclusion of the trial may take some time, without commenting anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.
8. Accordingly, the bail application filed under Section 439 of the 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 amount to the satisfaction of the concerned trial court. He shall appear before the trial court on each and every date given by the said trial court, till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Judge