

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8154 of 2021

Mohan Khunte S/o Shri Bhoni Khunte, Aged About 37 Years R/o Village Matiya, Post-Tikari, Police Station and Tahsil-Masturi, Civil and Revenue District-Bilaspur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Chauki-Malhar, Police Station- Masturi, Civil And Revenue District - Bilaspur. Chhattisgarh.

---Respondent

For Applicant : Mr. Parasmani Shriwas, Advocate

For Respondent/State : Mr. Ishwar Jaiswal, Panel Lawyer

Hon'ble Smt. Justice Rajni Dubey

Order On Board

01/11/2021

This first application under Section 439 of the Code of Criminal Procedure has been filed by the accused/applicant, who is languishing in jail since 30.09.2021 in connection with Crime No. 513/2021 registered at Police Station Masturi District Bilaspur (CG) for the offence punishable under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act.

2. According to the case of the prosecution on 30.09.2021, Police of concerned Police Station Chauki has seized 40 bulk liter country made (mahua) liquor and 760 Kg Mahua Lahaan from the possession of the applicant.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since

30.09.2021; therefore, he may be released on bail.

4. On the other hand, counsel for the State opposed the prayer for bail. However, he submits that there is no criminal antecedent against the applicant.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 40 bulk liters and 760 KG Mahua Lahaan from the applicant, offence is triable by the JMFC and the applicant is in jail since 30.09.2021, this Court is inclined to release the applicants on bail.
6. Accordingly, the application is **allowed** and it is directed that on applicants furnishing a personal bond in the sum of Rs. 50,000/- with one solvent surety to the satisfaction of the concerned Court, they shall be released on bail. The applicant however, shall ensure his appearance before the trial Court as and when so directed, till the disposal of the case. Order accordingly.

Sd/-

(Rajni Dubey)
Judge