

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 10035 of 2021

Rajesh Kumar Khusro, S/o Akela Singh, Aged About 31 Years, Caste-Gond (Adivasi), R/o Village- Goknoi, Thana- Pali, District- Korba (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through District Magistrate Korba, District- Korba (C.G.) through Police Station- Excise Circle- Dipka, District- Korba (C.G.)

--- Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate.

For State/ Respondent : Mr. Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

27/12/2021

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 04.12.2021 in connection with Crime No. 114/2021, registered at Police Station-Excise Circle Dipka, District- Korba (C.G.) for the offence punishable under Sections 34 (1)(A), 34 (2), 59 (A) of the Chhattisgarh Excise Act.
2. Case of the prosecution in brief is that on 04.12.2021, police of Police Station- Excise Circle Dipka, District- Korba (C.G.) has seized 20 bulk liter of handmade liquor from possession of the applicant, therefore, the offence under Sections 34 (1)(A), 34 (2), 59 (A) of the Chhattisgarh 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 antecedents and he is in custody since 04.12.2021 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 the applicant regarding commission of offence. Hence, it is prayed that 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 20 bulk liter of handmade 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 04.12.2021 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 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 today.

Sd/-
(Narendra Kumar Vyas)
Vacation Judge