

**(2019) 09 CHH CK 0055**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 5835 Of 2019

Shanit Kumar

APPELLANT

Vs

State Of Chhattisgarh Through  
The Station House Officer

RESPONDENT

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**Date of Decision:** Sept. 9, 2019

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Chhattisgarh Excise Act, 1915 - Section 34(1)(A), 34(2), 59(A)

**Hon'ble Judges:** Rajendra Chandra Singh Samant, J

**Bench:** Single Bench

**Advocate:** Sumit Shrivastava, Neeraj Pradhan

**Final Decision:** Allowed

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**Judgement**

Rajendra Chandra Singh Samant, J

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 in connection with Crime No.514 of 2019, registered at Police Station City Kotwali, Mungeli, District - Mungeli, Chhattisgarh for the offence punishable under Sections 34(1)(A), 34(2) and 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 8.100 bulk liters and he was arrested on 19.8.2019.
3. Learned counsel for the applicant submits that the applicant is in jail since 19.8.2019 and the applicant has been falsely implicated in this case;

therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the prayer for grant of bail, however, he would submit that as per the information received

from the concerned SHO, the applicant has no previous antecedents of similar offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 8.100 bulk liters; offence is triable by the

JMFC and the applicant is in jail since 19.8.2019, this Court is inclined to release the applicant on bail.

6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that the applicant shall be released on bail on furnishing a personal bond in the 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. In case any default is committed by the applicant/s in appearing

before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Certified copy as per rules.