

(2018) 07 CHH CK 0363

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 5165 Of 2018

Lekhram

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: July 30, 2018

Acts Referred:

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

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: Basant Kaiwartya, Smita Ghai

Final Decision: Allowed

Judgement

Rajendra Chandra Singh Samant, J

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. 287/2018, registered at Police Station- Balco Nagar, District -Korba(C.G.) for the offence punishable under Sections 34(2) & 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 5.040 bulk liters and he was arrested on 5.7.2018.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 5.7.2018; therefore, he may be released on bail.

4. Learned State counsel 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 5.040 bulk liters; offence is triable by the

JMFC and the applicant is in jail since 5.7.2018, 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.