

**(2018) 06 CHH CK 0001**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 3877 Of 2018

Prashanat Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** June 1, 2018

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Chhattisgarh Excise Act, 1915 - Section 34(2)
- Indian Penal Code, 1860 - Section 34, 307

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

**Bench:** Single Bench

**Advocate:** Sunil Sahu, Ramakant Mishra

**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 on 12.04.2018 in connection with Crime No.105/2018 registered at Police Station Dongarhgarh, Distt. Dhamtari (CG) for the offence

punishable under Section 34 (2) of the Chhattisgarh Excise Act and Section 307/34 IPC.

2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 135 bulk liters and he was arrested on

12.4.2018.

3. Learned counsel for the applicant submits that the applicant is in jail since 12.4.2018 and two other co-accused persons have been granted bail in

M.Cr.C. No.3409/2018 on 15.05.2018; therefore, the applicant may also 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 similarly placed co-accused have been granted bail by this Court in

M.Cr.C. No.3409/2018 and the applicant is in jail since 12.4.2018, 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 his 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.

8. Certified copy as per rules.