

**(2018) 06 CHH CK 0013**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 3828 Of 2018

Bhuneshwar Kosle @ Bhushan

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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

**Acts Referred:**

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

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

**Bench:** Single Bench

**Advocate:** Yogesh Pandey, Prasoon Bhaduri

**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 for grant of regular bail to the applicant who has been

arrested in connection with Crime No.66/2018, registered at Police Station Mujgahan, Raipur, District Raipur (C.G.) for the offence punishable under

Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicant was found to be in possession of illicit country made liquor measuring about 5.4 liters and he was arrested on 10/05/2018.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 10/05/2018; 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 5.4 liters; offence is triable by the JMFC

and the applicant is in jail since 10/05/2018, 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.

7. 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 sum to the

satisfaction of the concerned trial Court, for his appearance as and when directed.