

(2018) 06 CHH CK 0015

Chhattisgarh High Court

Case No: Miscellaneous Criminal Case (MCRC) No. 3991 Of 2018

Jaysingh Kshatriya And Ors

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)

Hon'ble Judges: Rajendra Chandra Singh Samant, J

Bench: Single Bench

Advocate: Vikas Pradhan, Prasoon Bhaduri

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 applicants who have been arrested in connection with Crime No.215/2018, registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicants were found to be in possession of illicit country made liquor measuring about 46.8 liters and they were arrested on 17/05/2018 & 18/05/2018 respectively.

3. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case and they are in jail since 17/05/2018 & 18/05/2018 respectively; therefore, they 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 applicants have 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 46.8 liters; offence is triable by the JMFC

and the applicants are in jail since 17/05/2018 & 18/05/2018 respectively, this Court is inclined to release the applicants on bail.

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

7. It is directed that the applicants 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 their appearance as and when directed.