

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6735 of 2017**

Govardhan Nirala, S/o. Kartik Ram Nirala, Aged About 42 Years, Caste Satnami, R/o. Village Mudpar, Police Chowki- Beladula, Police Station -Sarsiwan, District (Revenue & Civil) Balodabazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station : Sarsiwan, District (Revenue & Civil) Balodabazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sumit Jhanwar, Advocate
For Respondent	:	Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/10/2017

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.254/2017, registered at Police Station- Sarsiwan, District – Balodabazar – Bhatapara (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 liquor measuring about 6 bulk liters and he was arrested on 08.10.2017.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 08.10.2017, therefore, prayed that the applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail. It is submitted that the applicant has criminal antecedents of three previous cases, in which one of them being for the offence under Chhattisgarh Excise Act, but there is no information about the conviction in any of the previous cases. On these grounds, it is prayed that the applicant may not be released on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6 bulk liters; offence is triable by the JMFC and the applicant is in jail since 08.10.2017, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge