

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5964 of 2015

Kushoram Yadav, S/o. Purandhar Yadav, Aged About 50 Years, R/o. Village Kenduban, P.S. & P.O. Deobhog, Distt. Gariyaband, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Deobhog, Distt. Gariyaband, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/11/2015

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.87/2015 registered at Police Station- Deobhog, District Gariyaband (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 19.395 bulk liters and he was arrested on 05.10.2015.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 05.10.2015; 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 cases under Section 36(C) was registered against the applicant.

5. Taking into account that the cases previously registered against the applicant is under Section 36(C) which has a different application. Consideration the totality of the circumstances and the fact that the quantity of seized liquor is 19.395 bulk liters; offence is triable by the JMFC and the applicant is in jail since 05.10.2015, 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.
8. It is made clear that if the applicant is found to be involved in similar offence again, this order granting bail to the applicant shall automatically stand canceled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicant in this case also, after informing the concerned Judicial Magistrate where trial is pending.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge