

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6365 of 2015

Ramgulab Sahu, aged about 43 years, S/o. Rameshwar Sahu, R/o. Village – Murmunda, P.S. And Tahsil Dongergarh, Civil and Revenue District – Rajnandgaon (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Excise Circle – Dongergarh, District Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Rakesh Thakur, Advocate

For Respondent : Ms. Sunita Jail, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

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.155/2015 registered at Police Station- Excise Circle-Dongergarh, District Rajnandgaon (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 19.08 bulk liters and he was arrested on 26.10.2015.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 26.10.2015; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and would submit that earlier a case was registered under Section 36(C) of Excise Act.

5. Considering the fact that earlier the case was registered against the applicant under Section 36(C) of the Excise Act and not under Section 34 (2), where he was fined and considering the quantity of seized liquor is 19.08 bulk liters; offence is triable by the JMFC and the applicant is in jail since 26.10.2015, 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