HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6648 of 2015

Panchram, S/o. Chamarsingh, aged about 35 years, R/o. Kakenchuwa, Police Station Saraipali, Tahsil- Basna, Civil and Revenue District – Mahasamund (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through: Station House Officer, Police Station – Saraipali, District Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Anil Gulathi, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/12/2015

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.430/2015 registered at Police Station- Saraipali, District – Mahasamund (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 7 liters and he was arrested on 02.11.2015.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 02.11.2015; 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 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 7 liters; offence is triable by the JMFC and the applicant is in jail since 02.11.2015, 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

Balram