

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6880 of 2015

Gurudev Singh S/o. Shri Genrail Singh, aged about 22 years, R/o. House No.404,405 Veer Sawarkar Nagar, Heerapur, Raipur, Post Office- Raipur, Police Station- Kabir Nagar, Raipur District Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station- Kabir Nagar, Raipur District Raipur (C.G.)

---- Respondent

For Applicant	:-	Shri Shivendu Pandya, Advocate
For Respondent/ State	:-	Shri S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

15/12/2015

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. 113/2015 registered at Police Station- Kabir Nagar, Raipur District Raipur (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 8.64 liters and he was arrested on 20.10.2015.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 20.10.2015; therefore, he may be released on bail.
4. Per contra, counsel for the State opposes the bail application and submits that there is one other case against the present applicant under the provisions of Excise Act of the year 2013 itself.

5. Taking into consideration the totality of the circumstances and no case in the close proximity is registered; the fact that the quantity of seized liquor is 8.64 liters; and the applicant is in jail since 20.10.2015; 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