

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6345 of 2015

Naresh Kumar S/o Janak Ram Koushik, Aged About 40 Years R/o
Village Bhilai Bazar, Tahsil Katghora, District Korba (Chhattisgarh)

---- Applicant

Versus

State of Chhattisgarh Through : The District Magistrate (Excise)
Circle Korba (Chhattisgarh)

---- Respondent

For Applicant	:-	Mr. Basant Kaiwartya, Advocate
For Respondent/ State	:-	Mr. Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

06/11/2015

1. This is the second bail application under Section 439 Cr.P.C for grant of bail to the applicant who has been arrested on 30.09.2015 in connection with Crime No. 211/2015 registered at Police Station- Excise Circle Korba (internal), District Korba (C.G.) for the offence punishable under Section 34(2) (A), 34(2) and 59 (A) of the C.G. Excise Act. The first bail application of the applicant was dismissed as withdrawn on 27.10.2015 in M.Cr.C. No. 5721 /2015 with liberty to revive the same after filing of the charge sheet.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 40.00 liters and he was arrested on 30.09.2015.
3. Learned counsel for the applicant submits that the charge sheet has already been filed. He further submits that the applicant has falsely been implicated in this case and he is in jail since 30.09.2015, 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 40.00 liters; offence is triable by the JMFC and the applicant is in jail since 30.09.2015 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.

(Goutam Bhaduri)
Judge