

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7059 of 2015

Moh. Aslam S/o Moh. Jafar Aged About 23 Years R/o Street No. 15,
B Block 7 Room No. 18, Sector 2, Bhilai Civil And Rev. Distt. Durg,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Dongargarh, Distt.
Rajnandgaon, Chhattisgarh.

---- Respondent

For applicant – Shri Rakesh Thakur, Advocate.
For Respondent/State – Shri U.K.S. Chandel, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/12/2015

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 27/10/2015 with liberty to repeat the same after filing of the charge sheet and now the charge sheet has been filed.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 449/2015 registered in Police Station Dongargarh, Distt. Rajnandgaon (C.G.) for offence punishable under Section 34 (2) of Excise Act.
3. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring 45 bulk liters and he was arrested on 1/10/2015.
4. Learned counsel for the applicant submits that charge sheet in this case has been filed, therefore the applicant may be released on bail.
5. Learned State counsel has pointed out that the concerned SHO has

reported that the applicant has no previous criminal antecedents.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 45 bulk liters, offence is triable by Judicial Magistrate First Class and the applicant is in jail since 1/10/2015, charge sheet having been filed, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.

7. It is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it 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 cancelled 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE