

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5861 of 2015

Rarun Kumar Jaiswal S/o Hori Lal Jaiswal Aged About 34 Years
R/o Village Paasid, Thana Bilha, Tehsil Bilha Revenue & Civil
District Bilaspur Chhattisgarh

---- Petitioner

Versus

State of Chhattisgarh Through Officer-In-Charge, Police Station
Bilha, Civil & Revenue District Bilaspur Chhattisgarh

---- Respondent

For Applicant	:-	Shri Mahendra Dubey, Advocate
For Respondent/State	:-	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board By

04/11/2015

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. 253/2015 registered at Police Station- Bilha, District Bilaspur (C.G.) for the offence punishable under Section 34(2), 59 (A) of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 20 bulk liters and he was arrested on 05.10.2015.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 05.10.2015; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that two cases have been registered against the applicant under section 34 of the Excise Act. In response to the counsel for the applicant submits that the

applicant was acquitted in criminal case No. 328/2014 on 27.10.2014.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 20 bulk liters; offence is triable by the JMFC and the applicant is in jail since 05.10.2015, 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