

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5938 of 2015

Suraj Gond, son of Bhurelal Gond, aged about 19 years, Resident of Semariya, P.S. & Tahsil Pamgarh, Civil & Revenue District Janjgir Champa
---- **Applicant**

Versus

State of Chhattisgarh through Station House Officer, Police Station Pamgarh (through District Magistrate), Distt. Janjgir Champa Chhattisgarh.

For the applicant	:	Mr. Anil Singh Rajput, Advocate
For the Respondent	:	Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 279/2015 registered at P.S. Pamgarh, Distt. Janjgir Champa (C.G) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that during patrolling of police on 13.10.2015, 10 bulk litres of illicit liquor was seized from the possession of this applicant.
3. Learned counsel for the applicant submits that the seizure was made from a nearby place of the applicant's house and not from the exclusive possession of the applicant. He prays for releasing the applicant on bail.
4. Learned State Counsel opposes the bail application of the applicant.
5. Taking into consideration the totality of the circumstances and the fact that the seizure was made near the house of the applicant and not from the possession of the applicant and the quantity of seized liquor is 10 bulk litres; offence is triable by the JMFC and the applicant is in

jail since 14.10.2015, this Court is inclined to release him on bail.
Accordingly, this application is allowed.

6. The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court . He is directed to appear before the said Court on each and every date given by the said Court.
7. It is made clear that if the applicant is found to be involved in similar offence in future, 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 the trial is pending.
8. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE