

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6449 of 2015

Sachindrakar, S/o. Prakash Kar, aged about 35 years, R/o. Bitangipali,
P.S.-Basna, Civil and Revenue District – Mahasamund (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through: Station House Officer, Police Station
– Basna, Civil and Revenue District – Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Sunil Verma, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/12/2015

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.314/2015 registered at Police Station- Basna, District – Mahasamund (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 8.100 bulk liters and he was arrested on 27.10.2015.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 27.10.2015; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and would submit that the applicant has previous antecedents of section 34(a) of Excise Act for keeping in his possession illegal

liquor of 1.800 bulk liter, 2.700 bulk liter and 2.88 bulk liter and lastly he committed the offence in the year 2014.

5. Considering the proximity of time and taking into present quantity of liquor in this case and the fact that the offence is triable by the JMFC and the applicant is in jail since 27.10.2015, 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