

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7083 of 2015

Pardeshi Nishad S/o. Tiju Ram Nishad Caste Kenwat, Aged About 45 Years, R/o. R/o. Village- Bharda, Police Station- Devri, Tehsil Dondi Lohara, District Balod, Civil and Revenue District Balod (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate Balod District Balod (Chhattisgarh).

---- Respondent

For Applicant	:-	Mr. Avinash Chand Sahu, Advocate
For Respondent/ State	:-	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/12/2015

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. 239/2015 registered at Police Station- Devri, District Balod (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act and section 186,353,332, 323 of IPC.
2. As per the prosecution case, in brief, on 24.10.2015 the applicant was found to be in possession of 5.760 bulk liters of illegal liquor which was kept in Ograj Panthela. It is alleged that during the search the applicant assaulted the Police Officer. Subsequently, a case was registered against the applicant for the offence punishable under section 34(2) of the C.G. Excise Act and section 186,353,332, 323 of IPC and he was arrested in connection with the said offence.

3. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in this case. He further submits that the charge-sheet in this case has been filed and the offence is triable by the JMFC and the applicant is in jail since 24.10.2015; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Having regard to the facts and circumstances of the case and the nature of allegation levelled against this applicant and the fact that the quantity of seized liquor is 5.760 bulk liters; offence is triable by the JMFC and the applicant is in jail since 24.10.2015; 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.

Sd/-
(Goutam Bhaduri)
Judge