

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7254 of 2015

Laxman Sahis, S/o. Shri Masatram Sahis, aged about 22 years, R/o. Harijanpara Kharsiya, Thana & Tahsil – Kharsiya, Civil and Revenue District- Raigarh (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through: Station House Officer, Police Station – GRP, Raigarh, District – Raigarh (C.G.)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/12/2015

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.17/2015 registered at Police Station- GRP, Raigarh, District – Raigarh (C.G.) for the offence punishable under Section 34(1) (A) (2) of the Chhattisgarh Excise Act (As per charge sheet)
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 6 bulk liters and he was arrested on 12.08.2015.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 12.08.2015; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and would submit that he has a previous antecedents of the same nature,

therefore, he may not be released on bail.

5. In reply to the submission made by the State counsel about previous antecedents of the applicant, he submits that the applicant has been acquitted of the charges in Criminal Case No. 2785/2013 vide order dated 28.04.2014 by the Chief Judicial Magistrate, Raigarh (C.G.) and the copy of the order is also placed on record.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6 bulk liters; offence is triable by the JMFC, the applicant is in jail since 12.08.2015 and also the fact that the applicant has been acquitted of the charges in earlier offence of the same nature, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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.
9. 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.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge