

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5715 of 2015

1. Shiv Shankar Binjhar, S/o. Ramesh Kumar, aged about 19 years, Caste-Binjhar, R/o. Village Dadarpara Kuchina, P.S. -Kusmunda, Tahsil- Katghora, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh, Through : District Magistrate, Excise Circle, Korba, Distt. Korba (Chhattisgarh).

---- Respondent

For Applicant	: Mr. Basant Kaiwartya, Advocate
For Respondent/State	: Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 177/2015 registered in Police Station Excise Circle Korba (C.G.) for offence punishable under Section 34 (1) (A), 34(2) & 59 (A) of Chhattisgarh Excise Act.
2. The prosecution alleges that when the raid/inspection was conducted by the police, 30 litres of illicit country made liquor was seized from the possession of the applicant.
3. Learned State counsel has pointed out that the concerned SHO has reported that the applicant has no previous criminal antecedents.
4. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 30 liters, offence is triable by

Judicial Magistrate First Class and the applicant is in jail since 25/09/2015, this Court is inclined to release the applicant on bail. Accordingly, this application is allowed.

5. It is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.
6. 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 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 trial is pending.
7. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge