

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 206 of 2016

Ghanshyam Chauhan, S/o. Bodhram Chauhan, Aged About 37 Years,
R/o. Village Kodpali, Police Station & Tahsil Pusaur, District Raigarh,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Pusaur, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashish Gupta, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/01/2016

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.246/2015 registered at Police Station- Pusaur, District Raigarh (C.G.) for the offence punishable under Section 34(2)A & 59 of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 6.30 bulk liters and he was arrested on 30.12.2015.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 30.12.2015; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant had one case registered under Section 34(1) of the Excise Act under the Crime No.94/2015.

5. Considering the fact that within short proximity of time, no case was registered under Section 34(2) of the Excise Act against the applicant and in the earlier case which was registered under Section 34(1), the applicant was acquitted and further considering the quantity of seized liquor i.e. 6.30 bulk liters; offence is triable by the JMFC and the applicant is in jail since 30.12.2015, 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