

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 984 of 2016

Heeralal Chauhan S/o. Anant Singh, aged ab out 50 years, R/o. Village Khogsha, Police Station- Basna, Civil and Revenue District Mahasamund (C.G.)

---- Applicant.

Versus

State Of Chhattisgarh Through : Police Station Basna, District Mahasamund (C.G.)

---- Respondent

For Applicant	:-	Mr. Kishore Narayan, Advocate
For Respondent/ State	:-	Mr. Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/02/2016

1. This is the second 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. 370/2015 registered at Police Station- Basna, District – Mahasamund (C.G.) for the offence punishable under Sections 34(2) of Chhattisgarh Excise Act.
2. The first bail application of the applicant was dismissed as withdrawn with liberty to repeat the same after filing of the charge sheet on 05.01.2016 in M.Cr.C. No. 7406/2015.
3. Case of the prosecution, in brief, is that on 02.012.2015 an information received and from the possession of the applicant 9.00 liters of liquor was recovered and he was arrested on 02.12.2015.
4. Counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 02.12.2015. He further submits that the charge sheet has been filed and no further evidence is required in

this case. He further submits that taking the quantity of liquor the applicant may be released on bail.

5. State counsel opposes the prayer for grant of bail.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9.00 liters; offence is triable by the JMFC and the applicant is in jail since 02.12.2015 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.

Sd/-
(Goutam Bhaduri)
Judge