

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2264 of 2016

- Surendra Singh S/O Shri Hari Singh Aged About 24 Years R/O Shankar Nagar, Chhawani, Bhilai, P.S. Jamul, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg, District Durg, Chhattisgarh. Through Police Station Jamul, District Durg, Chhattisgarh.

--- Respondent

For Applicant : Mr. Pupendra Kumar Patel, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

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. 89 of 2016, registered at Police Station Jamul, District Durg (CG) (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.400 liters and he was arrested on 12-02-2016.
3. Learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the case and he is in jail since 12-02-2016 and charge-sheet in this case has been filed, therefore, he may be released on bail.
4. On the other hand, 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 has no previous antecedents of similar offence.

5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.400 liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 12-02-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju