

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2472 of 2016

Garju Ram Vishwakarma s/o Late Kilan Ram, aged about 45 years, R/o village Bagai, Police Chowki Dokda, Thana Kansabel, District Jashpur, Chhattisgarh.

---- Applicant

versus

State of Chhattisgarh, Through Police Chowki Dokda, Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Neel Kanth Malviya, Advocate.

For Non-Applicant : Shri Neeraj Sharma, Deputy Government Advocate.

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

31/05/2016

1. The applicant has been arrested on 22.03.2016 in connection with Crime No. 66 of 2016 registered at Police Station, Kansabel, District Jashpur, for the alleged commission of offence under Section 34(2) of the Excise Act.
2. Case of the prosecution, in brief, is that from the possession of the applicant, 9 bulk liters of country made liquor was seized for which the applicant failed to submit any document of valid possession.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. He further submits that he has been arrested on 22.03.2016 on the allegation of being illegally possessed of 9 liters of country made liquor. The detention of the applicant is no longer necessary for further investigation. According to learned counsel for the applicant, there are no criminal antecedents of the applicant, therefore he may be granted bail.

4. On the other hand, learned counsel for the State has opposed the bail application submitting that the offence alleged against the applicant is non-bailable in nature and charge sheet has not been filed. Therefore, the applicant is not entitled to grant of bail.

5. Having heard learned counsel for the parties, taking into consideration the totality of the circumstances and the quantity of liquor alleged to have been recovered from the applicant and that he is in jail since 22.03.2016, and further there are no allegation of previous antecedents of commission of similar offence and also that the State counsel could not satisfy the Court as to why his further detention is necessary, the application is allowed.

6. It is directed that the applicant shall be released on bail on furnishing a personal bond of Rs. 20,000/- alongwith one local surety for the like amount to the satisfaction of the trial court. He shall appear before the Court below on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge