

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2509 of 2016

Sukhchand, S/o. Kalu Satnami, Aged About 55 Years, R/o. Village Hardi, Chowki Kandraka, Police Station Berla, Civil & Revenue District Bemetara, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh, Through the Police Chowki Kandraka, Police Station Berla, Civil & Revenue District Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.P.Sahu, Advocate.

For Respondent/State : Mr. Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/05/2016

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.63/2016 registered at Police Station Berla, District Bemetara (C.G.) 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 18 bulk liters and he was arrested on 21.03.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 21.03.2016; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail and would inform that one more case under Section 36(F) of the Chhattisgarh Excise Act, 1915 has been registered against the applicant in the year 2015.
5. It has to be seen that the said offence pertains to consumption of alcohol at public place but does not involved possession of illicit liquor. Therefore, taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 18 bulk liters; offence is triable by the JMFC and the applicant is in jail since 21.03.2016, 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 each 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/-
(Prashant Kumar Mishra)
Vacation Judge