

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2541 of 2016

Budhari Nishad S/o Jethu Nishad Aged About 65 Years R/o Vill :
Singhangarh, P.S. Sahaspur Lohara, Distt. Kabirdham Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Station House Officer, P.S. Sahaspur
Lohara, Distt. Kabirdham Chhattisgarh

---- Non-applicant

Applicant by	Mr. Ajay Ayachi, Advocate.
Non-applicant by	Mr. Dhiraj Wankhede, Govt. Adv.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

2-6-2016

Heard.

The applicant has been arrested on 5-4-2016 in connection with Crime No. 69/2016 registered in PS Sahaspur Lohara, Distt. Kabirdham for offence punishable under Section 34(2) of the CG Excise Act.

Case of the prosecution is that the applicant was found in illegal possession of 7.2 ltr. of country liquor.

Learned counsel for the applicant submits that the applicant has been falsely implicated and false seizure has been made against him. It is submitted that investigation is complete and charge sheet has already been filed. In these circumstances further detention of the applicant is not necessary therefore, he may be enlarged on bail.

On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that the applicant is a habitual offender and against him two more cases of similar nature are pending.

Taking into consideration the submission, quantity of liquor alleged to be seized from the applicant, he is in jail since 5-4-2016, investigation is complete and charge sheet has already been filed and further detention is not necessary, the application is allowed.

It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 20,000/- with one local surety in the like sum to the satisfaction of the concerned trial court for his appearance as and when directed.

It is made clear that if the applicant is found involved in similar kind of offence, the bail granted to him may be liable to be canceled.

Sd/-

Manindra Mohan Shrivastava

Vacation Judge