

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2558 of 2016

Rampukar Singh, aged about 45 years, son of Maheshwar Singh, at present resident of R.K.Nagar, Khurda Colony, Police Station Sarkanda, Tahsil and District Bilaspur, Chhattisgarh.

---- Applicant

versus

State of Chhattisgarh, Through Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Ajay Kumar Pandey, Advocate.

For Non-Applicant : Shri Dheeraj Wankhede, Government Advocate.

Hon'ble Shri Manindra Mohan Shrivastava, J.

Order on Board

02/06/2016

1. The applicant has been arrested on 07.04.2016 in connection with Crime No. 257 of 2016 registered at Police Station, Sarkanda, District Bilaspur, for the alleged commission of offence under Section 34(A)(1) and 59(A) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that from the possession of the applicants, 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 and a false seizure has been made. He further submits that he has been arrested on 07.04.2016 on the allegation of being illegally possessed of 9 bulk liters of country made liquor. The detention of the applicant is no longer necessary as the investigation is complete and charge sheet has already been filed. 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 there is likelihood of misusing the liberty. 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 seized from the applicants and that he is in jail since 07.04.2016, and that further there are no allegation of previous antecedents of commission of similar offence, the application is allowed.

6. It is directed that the applicants shall be released on bail on furnishing a personal bond of Rs. 20,000/- each 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