

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2853 of 2016

Seetaram Rathaur, S/o. Late Vishram Prasad Rathaur, Aged About 47 Years, R/o. Faraswana, Thana Urga, Tahsil Kartala, Revenue & Civil District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through P.S. Urga, Revenue & Civil District Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. V.R.Tiwari, Advocate

For Respondent : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15/06/2016

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.80/2016 registered at Police Station- Urga, District Korba (C.G.) for the offence punishable under Section 34(2) & 36 of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit country made liquor measuring about 62.100 bulk liters and he was arrested on 20.03.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 20.03.2016; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, she would submit that as per the information received

from the concerned SHO, the applicant has no previous antecedents of similar offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 62.100 bulk liters, offence is triable by the JMFC and the applicant is in jail since 20.03.2016, 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 in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge