

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3082 of 2016

Rajkumar Nishad, S/o Gabbulal Nishad, Aged About 51 Years, Caste - Kenwat, R/o - Village - Kurra, Post Office & Police Station - Bhakhara, District - Dhamtari Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station - Excise Department of West Circle Dhamtari (As Per Charge Sheet), District – Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Shivendu Pandya, Advocate
For Respondent/State	:	Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/06/2016

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. 31/2016 registered at Police Station- Excise Department of West Circle Dhamtari (As per charge sheet) District Dhamtari (C.G.) for the offence punishable under Section 34(1) A, 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 72.00 liters and he was

arrested on 28.04.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 28.04.2016, therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he 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 72.00 liters; offence is triable by the JMFC and the applicant is in jail since 28.04.2016, 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