

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3444 of 2016**

Umend Ram, aged about 50 years, son of late Har Prasad,
Caste Kurmi, R/o. Village Jorhadabari Chowki, Hardibazar,
P.S. Kusmunda, Tahsil Katghora, District Korba (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : The District Magistrate
(Excise Circle Korba) District Korba (C.G.)

---- Non-applicant

For Applicant: Mr. Basant Kaiwartaya, Advocate.
For Non-applicant/State: Mr. Vivek Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/06/2016**

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who is in jail since 28.05.2016 in connection with Crime No. 34/2016 registered at Police Station- Excise Circle, Dipaka, District Korba for the offences punishable under Sections 34(1)(A), 34(2) & 59(A) of the Chhattisgarh Excise Act.

(2) As per the prosecution, on search being made, total 15 bulk liters of illicit liquor was seized from unlawful possession of

the applicant on 28.05.2016 and therefore he has been charged with the offence punishable under Sections 34(1)(A), 34(2) & 59(A) of the Chhatisgarh Excise Act and has been arrested on 28.05.2016 itself.

(3) Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the instant case and no liquor has been seized from his lawful possession. He further submit that the applicant is in judicial custody since 28.05.2016 and this is the first time where the applicant has been implicated under the Excise Act and therefore taking into consideration all these facts he may be enlarged on bail.

(4) Opposing the bail application, learned counsel for the State submits that the applicant was found to be in unlawful possession of 15 bulk liters of illicit liquor and therefore he is not entitled to be released on bail.

(5) Without commenting on merits, considering the totality of the facts & circumstances of the case and also considering the fact that the applicant is languishing in jail since 28.05.2016 and considering the quantity of liquor, this Court is of the opinion that the present is a fit case where the applicant can be enlarged on bail.

(6) Accused/applicant -**Umend Ram** is directed to be released on bail on his executing a personal bond in the sum of

Rs.20,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(P. Sam Koshy)
V. Judge

D/-