

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3698 of 2016

Nagesh, S/o Shyam, Aged About 2 Years, Occupation – Labor, R/o Village Mahamai Para Mahasamund, Thana - Tahsil / District - Mahasamund Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through :- The Excise Officer, Excise Circle - Mahasamund, District - Mahasamund, District - Mahasamund Chhattisgarh

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate

For Respondent/State : Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/07/2016

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. 52/2016 registered at Police Station- Excise Circle Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that when a raid was conducted by Police, the applicant was found to be in possession of illicit liquor of about 5.760 liters which was allegedly recovered from him.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 03.06.2016, 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, earlier no case under section 34(2) of Chhattisgarh Excise Act is registered.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.760 liters; offence is triable by the JMFC and the applicant is in jail since 03.06.2016, 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge