

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2448 of 2016

Gopi Sonkar, S/o Ramnarayan Sonkar, Aged About 25 Years, Occupation Private Job, R/o Rampur Ward, Rambag Dhamtari, District Dhamtari Chhattisgarh

----Applicant

Versus

State of Chhattisgarh Through : Station House Officer, Police Station : Rudri, District : Dhamtari Chhattisgarh

---- Respondent

For Applicant	:	Mr. Syed Imtiaz Ali, Advocate
For Respondent/State	:	Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/06/2016

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. 26/2016 registered at Police Station- Rudri, District Dhamtari (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 30.03.2016, the applicant is said to have been found illegally transporting 5 Cartons and 240 quarters of country made plane liquor i.e. 43.200 bulk liters in a Maruti Van Car bearing registration No. CG 04HA 3353. Subsequently, a case was registered against the applicant under the provisions of Excise Act and he was arrested in connection with the said offence.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. He further submits that the seizure witness in this case have been examined and they have not supported the case of the prosecution. He further submits that the charge sheet has been filed and the applicant is in jail since 30.03.2016, 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. Perused the statement. Perusal of the statement would show that the seizure witnesses have not supported the case of the prosecution, taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 43.200 bulk liters; offence is triable by the JMFC and the charge sheet has been filed in this case and applicant is in jail since 30.03.2016, 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