

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5484 of 2016

Moh. Asif, S/o. Mohammed Rafik, Aged About 35 Years, Occupation: Business Of Cloth, R/o. Behind Of Shyam Kirana Shop, Nehru Nagar, Police Station: Kotwali Raipur, District Raipur, Chhattisgarh. Mobile No. 9009790700.

---- Applicant

Versus

State Of Chhattisgarh, Through: Station House Officer, Police Station: City Kotwali Raipur, District: Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.R.Sahu, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2016

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.212/2016 registered at Police Station- City Kotwali Raipur, District Raipur (C.G.) for the offence punishable under Section 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 6.300 bulk liters and he was arrested on 13.08.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 13.08.2016. He further submits that earlier in three cases, the applicant has been falsely implicated and he has been acquitted by different orders dated 03.08.2012, 23.12.2015 and 21.06.2016,

which is placed on record and again he has been falsely implicated in this case, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.300 bulk liters, offence is triable by the JMFC and the applicant is in jail since 13.08.2016, 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