

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7499 of 2015

Narendra Soni @ Bodu, S/o. Rajaram Soni, Aged About 44 Years, R/o. Panchshil Nagar, Ward No. -1, P.S. Durg; Tah. & Distt. Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Civil & Rev. Distt. Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/01/2016

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.857/2015 registered at Police Station- Durg, District Durg (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on 23.10.2015 the applicant was apprehended and found to be in possession of illicit liquor measuring about 6.3 bulk liters.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, the charge sheet has been filed and he is in jail since 23.10.2015; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and he would submit that in the year 2015 one case under Section 34(1) of the Excise Act was registered for keeping 1.26 liters of liquor.

5. Taking into consideration the quantity of liquor seized from the applicant i.e. 6.3 bulk liters and taking into fact that the charge sheet has been filed and considering the fact that the applicant is in jail since 23.10.2015 and the offence is triable by the JMFC, 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. It is made clear that if the applicant is found to be involved in similar offence again, this order granting bail to the applicant shall automatically stand canceled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicant in this case also, after informing the concerned Judicial Magistrate where trial is pending.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge