

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 7676 of 2015

- Samme Lal, s/o Choti Lal Baghel, aged about 53 years, Caste: Satnami, R/o Vilage: Karhi, Police Station : Birra, Revenue and Civil District : Janjgir-Champa (CG)

---- Applicant (In Jail)

Versus

- State of Chhattisgarh, through : District Magistrate, Janjgir, District : Janjgir-Champa (CG) and also through : Police Station : Birra, District : Janjgir- Champa (CG)

---- Respondent

For Appellant	:	Shri Dashrath Kushwaha, Advocate
For Respondent/State	:	Ms Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.161/2015, registered at PS Birra, district Janjgir- Champa (CG) for the offence punishable under Section 34(2) of Excise Act.
- 2) The prosecution alleges that Police has seized the alleged 10 Litre Mahuva from the possession of the present applicant.

- 3) Learned counsel for the applicant submits that the applicant is in jail since 14.12.2015 and the seizure having been made, no further investigation is necessary.
- 4) Per contra, learned State counsel opposes the bail application. However, he submits that the concerned SHO has reported that the applicant has no criminal antecedents.
- 5) Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 10 litres; offence is triable by the JMFC and the applicant is in jail since 14.12.2015, this Court is inclined to release him on bail. Accordingly, this application is allowed.
- 6) The applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He is directed to appear before the said Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE