NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5105 of 2016

Om Prakash Sahu S/o Thanwar Sahu Aged About 28 Years R/o Gram Sakripar, P.S. Bhatapara (Gramin), District - Baloda Bazar - Bhatapara Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, P.S. Bhatapara (Gramin) District Balodabazar - Bhatapara Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Singh, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

31/08/2016

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. 217/2016 registered at – Police Station – Bhatapara (Gramin) District Baloda Bazar, Bhatapara (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 6.12 bulk liters and he was arrested on 24.07.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 24.07.2016, 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. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.12 bulk liters; offence is triable by the JMFC and the applicant is in jail since 24.07.2016, 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

Santosh