

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3317 of 2016

Poonam Yadav, S/o. Shivprasad Yadav, Aged About 45 Years, R/o. Budhwaripara, Ward No.13, Dongargarh, District Rajnandgaon, (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Dongargarh, District Rajnandgaon (Chhattisgarh) .

---- Respondent

For Applicant : Mr. B.P.Singh, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05/07/2016

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.203/2016 registered at Police Station- Dongargarh, District Rajnandgaon (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.40 bulk liters and he was arrested on 18.05.2016.
3. Learned counsel for the applicant submits that the applicant was earlier apprehended in the similar nature of offence and he has been acquitted on 08.08.2013. He further submits that the applicant has falsely been implicated in this case and he is in jail since 18.05.2016; 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 5.40 bulk liters, offence is triable by the JMFC and the applicant is in jail since 18.05.2016, 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