

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3564 of 2016

Prakash Singh, S/o Sammar Singh, Aged About 22 Years, Caste - Kanwar, R/o Village - Nunera, Police Station & Tahsil - Pali, Civil & Revenue District - Korba Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through - District Magistrate / Station House Officer, Excise Circle, Korba, District - Korba Chhattisgarh

---- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate
For Respondent/State : Mr. Sobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12/07/2016

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. 45/2016 registered at Police Station- Excise Circle Dipka (wrongly mentioned Korba in the cause title), District- Korba (C.G.) for the offence punishable under Sections 34(1) (a), 34(2) and 59(a) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 44.940 bulk liters and he was arrested on 31.05.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 31.05.2016, 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 44.940 bulk liters; offence is triable by the JMFC and the applicant is in jail since 31.05.2016, 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.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge