

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1399 of 2016

Rajkumar Singh @ Mainam, S/o. Late Ramjatan Singh, Aged About 41 Years, (wrongly mentioned as 36 years in the order sheet), R/o. Village Belkharikha, Police Station - Darima, Tahsil - Lakhanpur, Civil & Revenue District – Sarguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Acting through Officer-in-Charge, Police Station - Darima, Civil & Revenue District– Sarguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. Devesh G. Kela, Advocate

For Respondent : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/06/2016

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.16/2016 registered at Police Station- Darima, Civil & Revenue District Sarguja (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 8.280 bulk liters and he was arrested on 10.02.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 10.02.2016. He further submits that in the earlier four cases, the applicant has been acquitted. The orders have been placed on record. Therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she do not dispute the fact that in the earlier cases, the applicant has been acquitted.
5. After going through the acquittal orders, which are placed on record and taking into the fact that the quantity of seized liquor is 8.280 bulk liters and the applicant is in jail since 10.02.2016, 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. The certified copy of the acquittal orders, which have been filed on 24.06.2016 may be returned to the applicant after retaining the photocopy of the same.

Sd/-
(Goutam Bhaduri)
Judge