

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2802 of 2016

Dinesh Kaushik, S/o. Radheshyam Kaushik, Aged About 26 Years, Caste Kurmi, R/o. Village - Arjuni, P.S. & Tehsil Akaltara, District - Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Akaltara, Chhattisgarh, Through District Magistrate, District – Janjgir, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sumit Singh, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/06/2016

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.70/2016 registered at Police Station- Akaltara, District Janjgir-Champa (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. As per the prosecution case, on 30.03.2016 from the possession of the applicant, 9 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he was not in conscious possession. He would further submit that earlier, as pointed out, in the like nature of case, the applicant has been acquitted on 16.03.2016 by the Judicial Magistrate First Class and the copy of the judgment is placed on record. Therefore, he submits that

considering the detention of the applicant as he is in jail since 30.03.2016, he 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 the applicant has been acquitted in the earlier case.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9 bulk liters, offence is triable by the JMFC and the applicant is in jail since 30.03.2016, 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