

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2503 of 2016

Farid Khan @ Bhoku, S/o. Late Abdul Hamid, Aged About 20 Years, R/o. Bandwapara, P.S. - Puranibasti, Raipur, District – Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - P.S. Puranibasti, Raipur, Distt. Raipur - Chhattisgarh.

---- Respondent

For Applicant : Mr. Syed Imtiaz Ali, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/06/2016

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.86/2016 registered at Police Station- Puranibasti, Raipur, District Raipur (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 17.03.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 17.03.2016; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail and she would submit that in the earlier also the similar nature of case is registered against the applicant.

5. Learned counsel for the applicant would submit that in the year 2014 till today no evidence is recorded in the earlier case, therefore, considering the fact that considerable time has elapsed and in the present case the charge sheet has been filed, the applicant may be enlarged on bail.
6. Considering the facts and circumstances of the case and the fact that the quantity of seized liquor is 8.280 bulk liters, offence is triable by the JMFC, the applicant is in jail since 17.03.2016, the charge sheet has been filed and further taking into fact the earlier case is still pending and considerable time has elapsed, this Court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. 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