

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2850 of 2016

Daulat Ram, S/o. Lusru Bariha, Aged About 52 Years, R/o. Village Dhamalpur, Police Chowki Baya, P.S. Rajadevri, District Baloda Bazar – Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Office, P.S. Rajadevri, District Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. S.K.Guha, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/06/2016

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.40/2015 registered at Police Station- Rajadevri, District Baloda Bazar-Bhatapara (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 country made liquor measuring about 12.96 bulk liters and he was arrested on 26.04.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 26.04.2016; therefore, he may be released on bail.
4. 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 12.96 bulk liters, offence is triable by the JMFC and the applicant is in jail since 26.04.2016, 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