

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3119 of 2016

- Suman Mandal @ Babul S/o Nikhil Mandal Aged About 29 Years R/o P.V. 102, Krishak Nagar, Thana Bande, Tehsil Pakhanjur, District Uttar Bastar Kanker, Chhattisgarh.

--- Petitioner

Versus

- State Of Chhattisgarh Through Officer In Charge, Police Station Bande, District Uttar Bastar Kanker, Chhattisgarh.

--- Respondent

For the applicant	:	Mr. Mahendra Dubey, Advocate
For the Respondent	:	Mr. Lav Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 69 of 2015 registered at P.S. Bande, District Uttar Bastar, Kanker (C.G) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
2. As per the prosecution case, on 14.10.2015, the Police received information that the applicant was transporting illicit foreign liquor in a Bolero Jeep upon which reached the spot where the vehicle was parked and no body was there and subsequently 85 bulk litres of liquor was seized from the offending vehicle.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated as the recovery has been made from a parking vehicle and not from his exclusive possession. It is also submitted that the alleged recovery has been made

on 24.10.2015 and the applicant has been arrested on 21.1.2016, therefore, the seizure from the applicant is doubtful. He further submits that the applicant is in jail since 21.1.2016 and more than five months have passed and no progress in trial has been made, therefore, considering the detention, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However he submits that the concerned SHO has reported that the applicant has no antecedents.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor in this case is 85 bulk litres; offence is triable by the JMFC and charge sheet in this case has been filed and looking to the pre-trial detention as the applicant is stated to be in jail since 21.01.2016 this Court is inclined to release him on bail.
6. Accordingly, this application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the said Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE