

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3067 of 2016

1. Nohar Das, aged about 40 years, S/o. Namdas – Satnami, R/o. Village-Chuchrungpur, P.S. - Suhela, District-Baloda Bazar- Bhatapara (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Excise Circle, Baloda-Bazar, District- Baloda Bazar-Bhatapara (C.G.)

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Advocate
For Respondent	:	Ms. Shobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

24/06/2016

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. 85/2016, registered at Police Station- Excise Circle, Baloda-Bazar, District – Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 18.15 liters and he was arrested on 08.05.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 08.05.2016; and charge-sheet in this case has been filed, therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, she would submit that no case under Section 34 (2) of Excise Act is registered against the applicant.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 18.15 liters; offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 08.05.2016, 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. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge