

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3131 of 2016

Mamendra, S/o Maheshwar Raut Aged About 35 Years R/o. Village -
Tappa, Sevaiya, Tahsil - Pithora - Civil & Revenue Distt. - Mahasamund,
Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through The Excise Circle Pithora Mahasamund
Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Ms. K. Tripti Rao, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30/06/2016

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. 26/2016 registered at Police Station- Excise Circle Pithora, District Mahasamund (C.G.) for the offence punishable under Section 34(2) and 59(A) of Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 15.657 bulk 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 the applicant is in jail since 08.05.2016, therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, as per the information received from the concerned SHO, he would submit that previously no case under section 34(2) of the Excise Act was registered against the applicant.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 15.657 bulk liters; offence is triable by the JMFC 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.

Sd/-
(Goutam Bhaduri)
Judge