

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3206 of 2016

Manu Yadav S/o Late Nandu Yadav Aged About 42 Years R/o. Village - Bijrakapa (Kala), Thana - Lalpur, Tahsil - Lormi, Revenue Distt. Mungeli, Civil Distt. - Bilaspur Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through The Excise Officer Excise Circle - Mungeli Distt. - Mungeli Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

29/06/2016

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. 80/2016 registered at Police Station- Excise Circle, Mungeli, District Mungeli (C.G.) for the offence punishable under Sections 34(1)(A), 34(2), 59 (A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 18 bulk liters and he was arrested on 13.05.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 13.05.2016, therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that no case under section 34 (2) of the Excise Act was previously registered against the present applicant.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 18 bulk liters; offence is triable by the JMFC and the applicant is in jail since 13.05.2016, 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