

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 3228 of 2016**

1. Niranjan, S/o. Ratiram Satnami, aged about 20 years, R/o. Village- Pachari, Thana – Patewa, Tahsil – Mahasamund, District – Mahasamund (C.G.)

**---- Applicant**

**Versus**

The State of Chhattisgarh, Through : Station House Officer, Police Station - Patewa, District- Mahasamund (C.G.)

**---- Respondent**

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| For Applicant  | : | Mr. Vikas Pradhan, Advocate     |
| For Respondent | : | Mr. Vivek Singhal, Panel Lawyer |

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**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. 85/2016, registered at Police Station- Patewa, District – Mahasamund (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 18.465 liters and he was arrested on 16.05.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 16.05.2016; 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 18.465 liters; offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 16.05.2016, 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