

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3357 of 2016

Rajendra Kumar Joshi, S/o Mansha Ram Joshi, Aged About 29 Years,
R/o Village Khandwa, Post Office- Raipur, Police Station Rakhi, New
Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station
Rakhi, New Raipur, Tahsil & District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Ms. Sobha Kashyap, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/07/2016

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. 56/2016 registered at Police Station- Rakhi, New Raipur District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 5.580 liters and he was arrested on 15.04.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 15.04.2016, 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 5.580 liters; offence is triable by the JMFC and the applicant is in jail since 15.04.2016, 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 her appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge