

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 3398 OF 2016

Chummanlal S/o Shri Pritram Sinha, aged about 34 years, R/o Chaitukhapari, Police Chowky- Mohara, P.S. and Tahsil- Dongargarh, District Rajnandgaon (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Outpost- Mohara, P.S. Dongargarh, Rajnandgaon, District Magistrate, Rajnandgaon, District Rajnandgaon (C.G.)

... Non-applicant

For Applicant	:	Mrs. Indira Tripathi, Advocate.
For Non-applicant/State	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

07/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to the Applicant who is in jail since 27.5.2016 in connection with Crime No. 219/2016 registered at Police Station Dongargarh, District Rajnandgaon, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution, on search being made, total 17.280 bulk liters of Indian made foreign liquor was seized from the unlawful possession of the Applicant on 27.5.2016 and therefore he has been charged with the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and has been arrested on 27.5.2016 itself.
3. Learned counsel for Applicant submits that the Applicant is innocent, he has been falsely implicated in the instant case and no liquor has been seized from his absolute possession. He further submits that the Applicant is in judicial custody since 27.5.2016 and therefore taking into consideration all these facts he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that there are two past records against the Applicant under the Excise Act of the year 2012 and 2016 respectively and therefore his case may not be considered for grant of bail.

5. Taking into consideration the quantity of liquor seized and also taking into account the fact that the two past records against the Applicant is of the year 2012 and 2016, this Court is of the view that it is a fit case where the Applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of **Rs.20,000/- with one surety** of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
V. Judge