

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3446 of 2016

Govinda Yadav, S/o. Ravindra Yadav, aged about 20 years, Caste- Mahkul, R/o. Village – Ludeg, Tahsil & Thana-Pathhalgaon, Civil & Revenue Distt.- Jashpur (C.G.)

---- Applicant

Versus

State Of Chhattisgarh, Through : The Excise Officer, Pathhalgaon, Distt. Jashpur (C.G.)

---- Non-applicant

For Applicant: Mr. Sunil Sahu, Advocate.
For Non-applicant/State: Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

09/06/2016

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who is in jail since 17.05.2016 in connection with Crime No. 11/2016 registered at Police Station- Excise Circle Pathhalgaon, Distt. Jashpur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

(2) As per the prosecution, on search being made, total 16.20 bulk liters of illicit liquor was seized from unlawful possession of

the applicant on 03.05.2016 and therefore he has been charged with the offence punishable under Section 34(2) of the Chhatisgarh Excise Act and has been arrested on 17.05.2016.

(3) Learned counsel for the applicant submits that the applicant is innocent, he has been falsely implicated in the instant case and no liquor has been seized from his lawful possession. He further submit that the applicant is in judicial custody since 17.05.2016 and this is the first time where the applicant has been implicated under the Excise Act 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 the applicant was found to be in unlawful possession of 16.20 bulk liters of illicit liquor and therefore he is not entitled to be released on bail.

(5) Without commenting on merits, considering the totality of the facts & circumstances of the case and also considering the fact that the applicant is languishing in jail since 17.05.2016 and considering the quantity of liquor, this Court is of the opinion that the present is a fit case where the applicant can be enlarged on bail.

(6) Accused/applicant -**Govinda Yadav** is directed to be released on bail on his executing a personal bond in the sum of

Rs.20,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

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

D/-