

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C. No. 3737 of 2016**

Vimal, S/o. Khorbahra Dhimar, aged about 45 years, R/o. Village Mohbhattha, Police Station Saja, Civil and Revenue District – Bemetara (C.G.)

**---- Applicant**

**Versus**

The State of Chhattisgarh, Through : the Excise Police, Bemetara (C.G.)

**---- Respondent**

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| For Applicant  | : | Mr. P.P. Sahu, Advocate         |
| For Respondent | : | Mr. Vivek Singhal, Panel Lawyer |

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**Hon'ble Shri Justice Goutam Bhaduri**  
**Order On Board**

**01/07/2016**

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. 68/2016, registered at Police Station- Excise Police, Bemetara, District – Bemetara (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 27 bulk liters and he was arrested on 08.06.2016.
3. Learned counsel for the applicant submits that the applicant is severely ill and gangrene has been developed on his body, which is evident from the document Annexure A/2, the report of the Jail Superintendent. He further submits that the applicant has falsely been implicated in this case and he is in jail since 08.06.2016; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case and as per the document Annexure A/2 filed alongwith the bail application, the applicant is suffering from gangrene and the fact that the quantity of seized liquor is 27 bulk liters; offence is triable by the JMFC and the applicant is in jail since 08.06.2016, 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