

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3780 of 2016

Padum Nath, S/o Shri Late Har Prasad, Aged About 60 Years, R/o Village Johradabri, P.S. Hardibazar, Tahsil Pali, District Korba, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Excise Circle Deepika, Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vivek Tripathi, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/07/2016

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. 35/2016 registered at Police Station- Excise Circle Deepika, Korba District Korba (C.G.) for the offence punishable under Sections 34(1)(A), 34(2) and 59 (A) of the C.G. Excise Act.
2. The prosecution alleges that when a raid was conducted by Police, the applicant was found to be in possession of illicit liquor of about 15 bulk liters which was allegedly recovered from him.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 28.05.2016, therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, earlier no case under section 34(2) of Chhattisgarh Excise Act is registered.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 15 bulk liters; offence is triable by the JMFC and the applicant is in jail since 28.05.2016, 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.

Sd/-
(Goutam Bhaduri)
Judge