

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4346 of 2016

Somnath, S/o Rohit Satnami, aged about 18 years, R/o Village -Gahiratola, Police Station- Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Excise Department Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant : Mr. Anukul Biswas, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08 /08/2016

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. 85/2016 registered at – Police Station – Excise Circle Khairagarh, District Rajnandgaon (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 18 bulk liters and he was arrested on 21.06.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 21.06.2016, therefore, he may be released on bail.
4. Per contra, learned State Counsel opposes the bail application, however, he would submits that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 18 bulk liters; offence is triable by the JMFC and the applicant is in jail since 21.06.2016, 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 applicants 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