

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4380 of 2016

- Nandkumar S/O Dhanushdas Satnami Aged About 28 Years R/O Baradera, Out Post Chandanu, Police Station Nandghat, District Bemetara Chhattisgarh. ---- **Applicant (In jail)**

Versus

- State Of Chhattisgarh Through Station House Officer, Out Post Chandanu, Police Station Nandghat, District Bemetara Chhattisgarh. ---- **Non-applicant**

For Applicant : Smt Indira Tripathi, Advocate

For Non-applicant/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.08.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 242 of 2016, registered at Outpost Chandanu, PS Nandghat, district Bemetara (CG) for the offence punishable under Section 34(2) of Chhattisgarh Excise Act.
- 2) As per prosecution case, when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 35 quarter country made liquor, the same was seized from him and thereby the aforesaid offence was committed.
- 3) Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he is in jail since 25.06.2016, charge-sheet in this case has

been filed and no further investigation is required, therefore, he may be released on bail.

- 4) On the other hand, learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
- 5) I have heard learned counsel for the parties and have also perused the case diary and the documents.
- 6) Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 35 quarter country made liquor, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 25.06.2016, this Court is inclined to release the applicant on bail.
- 7) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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