

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4408 of 2016

Dukalu Nirmalkar, S/o. Late Satau Ram Nirmalkar, aged about 45 years,
R/o. Village - Pateli, Police Station - Dondi, Civil & Revenue District -
Balod, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through : Station Police Station Dondi, District
Balod, Chhattisgarh

---- Respondent

For Applicant : Mr. Aditya Kumar, Advocate

For Respondent/State : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/08/2016

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. 98/2016 registered at – Police Station – Dondi, District- Balod (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 17.280 bulk liters and he was arrested on 26.06.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 26.06.2016, 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, 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 17.280 bulk liters; offence is triable by the JMFC and the applicant is in jail since 26.06.2016, 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.

Sd/-
(Goutam Bhaduri)
Judge