

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5773 of 2016

Ramnath Bariha S/o Late Devraj Bariha Aged About 65 Years By Caste -
Binjhuwar, R/o Village - Banobhantha, Police Outpost - Balouda, Thana &
Tahsil - Saraipali, Civil & Revenue Distt. - Mahasamund Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer Police Station
Saraipali, Police Outpost - Balouda, Civil & Revenue Distt. - Mahasamund
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
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For Respondent/State	:	Mr. Lav Sharma, Panel Lawyer
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Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/09/2016

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. 02/2016 registered at – Police Station – Saraypali, Police out post Balouda, District Mahasamund (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 18.00 bulk liters and he was arrested on 03.01.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and the applicant is in jail since 03.01.2016, 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 18.00 bulk liters; offence is triable by the JMFC and the applicant is in jail since 03.01.2016 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