HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7413 of 2015

- Sanjay Pudo, S/o Buddhuram Pudo, aged about 32 years, by caste – Gond, R/o Village – Ratesara, Thana & Tahsil – Charama, Civil & Revenue Distt. - North Baster Kanker (C.G.)

---- Petitioner

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station – Charama, Distt. - North Baster Kanker (C.G.)

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate.
For Respondent/State : Shri Anant Bajpai, P.I. for the State.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2016

1. This is 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.255 of 2015 registered at Police Station Charama, Distt. North Baster Kanker, Chhattisgarh, for the offence punishable under Section 34(2) of the Excise Act.

2. As per the prosecution case, in brief, on an information having been received on 26.09.2015 that the applicant was found in possession of 7.00 bulk liters of country made liquor which was kept in jerry-cane for the purpose of selling the same from his house, the police raid the house of the applicant and seized the same and thereby committed the aforesaid offence.

3. Learned counsel for the applicants submits that the applicant has falsely been implicated in this case and he is in jail since 26.09.2015; 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 applicants have no previous antecedents of similar offence.

5. I have heard learned counsel for the parties and perused the case diary.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7.00 bulk liters; offence is triable by the JMFC and the applicant is in jail since 26.09.2015, this Court is inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

8. 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.

9. It is made clear that if the applicant is found to be involved in similar offence again, this order granting bail to the applicant shall automatically stand cancelled without reference to the Court and the concerned police shall be at liberty to re-arrest the applicant in this case also, after informing the concerned Judicial Magistrate where trial is pending.

Certified copy as per rules.

Sd/-
(GOUTAM BHADURI)
Judge

Anjani