

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4861 of 2016

- Rajesh Kumar Sahu S/O Surendra Sahu Aged About 18 Years Caste - Telichera, Occupation - Student, R/O Purani Basti, Ward No. 7, P. S. Supela, Bhilai, District Durg Chhattisgarh Civil & Revenue District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Teh Station In - Charge, Police Station Kanker, District Kanker Chhattisgarh

---- Respondent

For Applicant : Mr. Sandeep Shrivastava, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

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 is in custody from 5-9-2015 in connection with Crime No. 301 of 2015, registered at Police Station Kanker, District North Bastar (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on 5-9-2015 on being information received by the Police party that the applicant is traveling with illicit foreign liquor in Scorpio vehicle bearing registration No. CG-07-LP 9900, a raid was conducted by the police party and the said vehicle was intercepted and from the applicant total 466.56 bulk liters of illicit liquor was seized 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 a minor and is a student of 9th class. He would further submit that the applicant is in jail

since 5-9-2015, 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, the State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the document.
6. The State counsel was directed to obtain a report from the Probation Officer and in compliance of the Court's order dated 14-9-2016 the State counsel has obtained the report and the same is taken on record.
7. Perused the report of the Probation Officer in which it has been stated that the back-ground of the applicant is good and he is a regular student and by mistake he has adapted the route.
8. Considering the facts and circumstances of the case and further considering the report which has been submitted by the State counsel and also the fact that the applicant is a juvenile and is in custody from 5-9-2015, I am inclined to release the applicant on bail.
9. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his father's furnishing a surety in the sum of Rs.25,000/- to the satisfaction of the Juvenile Justice Board, Raipur for his appearance before the said Board as and when directed by the said Board till the disposal of the case.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju