

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5275 of 2016

- Raju @ Rajendra S/O Maniram Aged About 50 Years R/O Rajendra Prasad Nager, Khursipaar, Gate, Bhilai District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Bhilai Bhatti Thana, District Durg Chhattisgarh

---- Respondent

For Applicant : Mr. Anurag Jha, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

07-09-2016

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 on 14-7-2016 in connection with Crime No. 109 of 2016, registered at Police Station Bilai Bhatti Thana, PS Bhilai, District Durg (CG) for the offence punishable under Section 34(2) of the 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 25.92 liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that earlier the applicant was also inculpated on a false report wherein he has been acquitted from all the charges by the court below on 11-4-2008 and no other case of excise is registered against the

applicant and the applicant has been falsely implicated in the case, he is in jail since 14-07-2016, 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.
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 25.92 bulk liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 14-7-2016, 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju