

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5899 of 2016

- Dwas Ram Ratre S/o Babulal @ Ramlal Ratre Aged About 31 Years R/o Village- Tundri Chowki- Bhatgaon, Thana- Bilaigarh, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant (In jail)

Versus

- State of Chhattisgarh S/o Through The Police Chowki Bahtgaon Thana Bilaigarh, District Baloda Bazar - Bhatapara, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Deepak Jain, Advocate

For Non-applicant/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.09.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant who has been arrested on 20.08.2016 in connection with Crime No. 268 of 2016, registered at PS Police Chowki-Bhatgaon, Bilaigarh, district Baloda Bazar- Bhatapara (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 63 bulk litres, the same was seized from him 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,

Charge-sheet in this case has already been filed, he is in jail since 20.08.2016 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, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
- 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 63 bulk liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 20.08.2016, 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