

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5758 of 2016**

- Bhagirathi Sahu S/o Ram Vishram Sahu Aged About 34 Years R/o Village Kharkhena, Police Station Hirri, District Bilaspur, Chhattisgarh.

---- **Petitioner****Versus**

- State Of Chhattisgarh Through The Station House Officer, Hirri, District Bilaspur, Chhattisgarh.

---- **Respondent**

For Applicant	:	Shri Mahendra Dubey, Advocate
For Respondent/State	:	Shri Vivek Singhal, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****26/09/2016**

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.131/2016 registered at Police Station Hirri, District – Bilaspur (C.G.) for the offence punishable under Section 34(1)(A) 34(2) 59(A) & 36 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 30.600 bulk liters, 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 and he is in jail since 01.09.2016, 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 30.600 bulk liters, offence is triable by the JMFC and the applicant is in jail since 01.09.2016, 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