HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5808 of 2016

Laxman, aged about 26 years, S/o. Rajkumar Dewangan, R/o. Village-Bhothali, Thana and Tahsil – Dongargarh, District – Rajnandgaon (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station - Dongargarh, Rajnandgaon (C.G.)

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate
For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

28/09/2016

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 in connection with Crime No.340/16, registered at Police Station- Dongargarh, District – Rajnandgaon (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.

2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 6.66 bulk liters and he was arrested on 01.09.2016.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 01.09.2016; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail. However, he submits that earlier no case of similar nature U/s. 34 (2) of the

Excise Act was registered against the applicant.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 6.66 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.

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

7. 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.

8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram