

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5937 of 2016**

- Loknath Satnami S/O Bhola @ Bhagat Ram Aged About 35 Years (Wrongly Mentioned As Bhola In The Impugned Order) R/O Village Parsuli, Police Station Komakhan, Tahsil Bagbahara, Civil & Revenue District Mahasamund, Chhattisgarh.

**---- Applicant (In jail)**

**Versus**

- State Of Chhattisgarh Through Station House Office, Police Station Komakhan, District Mahasamund, Chhattisgarh.

**---- Non-applicant**

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For Applicant : Shri Vinod Tekam, Advocate

For Non-applicant/State : Shri Vivek Singhal, Panel Lawyer  
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**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 02.08.2016 in connection with Crime No. 61 of 2016, registered at PS Komakhan, district Mahasamund (CG) for the offence punishable under Section 34(2) of the CG 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 30.400 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 02.08.2016 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 30.400 bulk liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 02.08.2016, 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