

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5935 of 2016

- Kamlesh S/O Bharat Giri Aged About 30 Years R/O Village Narmada (Khaira), Police Station Gandai, Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh. ---- **Applicant (In jail)**

Versus

- State Of Chhattisgarh Through Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh ---- **Non-applicant**

For Applicant : Shri Abhishek Sharma, Advocate

For Non-applicant/State : Ms Sunita Jain, 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 04.09.2016 in connection with Crime No. 217 of 2016, registered at PS Chhuikhadan, district Rajnandgaon (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 17.100 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, he

is in jail since 04.09.2016 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, she 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 17.100 bulk liters, offence is triable by the JMFC and the applicant is in jail since 04.09.2016, 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