

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6507 of 2016

- Rajendra Nirala S/o Shri Sukhdev Nirala Aged About 30 Years R/o Bitkuli, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Station House Officer Police Station City Kotwali, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Amit Kumar Chaki, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

24-10-2016

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 on 20-6-2016 in connection with Crime No. 232 of 2016, registered at Police Station City Kotwali, 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 22.680 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 seizure witnesses namely Sonu and Ghanshyam have been examined in this case but they have not supported the prosecution case which would show that the applicant has been falsely implicated in the case. He would further submit that charge-sheet has been filed in this case, the applicant is

in jail since 20-6-2016, 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 does not dispute the fact that seizure witnesses have been examined and they have not supported the prosecution case.
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 22.680 liters, offence is triable by the JMFC and further considering the fact that seizure witnesses have been examined and they have not supported the prosecution case, charge-sheet in this case has been filed and the applicant is in jail since 20-6-2016, 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

Raju