

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6925 of 2016

Raju Sonkar, S/o. Late Daulanath Sonkar, aged about 50 years, R/o. Shivpara, Near Gaura – Chaura, Durg, P.S. - Durg, Kotwali, Tehsil and District – Durg (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Excise Police, District- Durg (C.G.)

---- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate
For Respondent : Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

17/11/2016

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.244/2016, registered at Police Station- Excise Circle Durg City East, District – Durg (C.G.) for the offence punishable under Section 34(1) (A) and 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on 02.10.2016 on a raid being conducted, from the possession of the applicant 45 bulk liters of illicit liquor was seized. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that earlier the applicant was also inflicted under Crime No.60/14, wherein he has been acquitted on 16.03.2016. The counsel placed on record the acquittal order and would submit that the applicant has been falsely implicated and he is in jail since 02.10.2016, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case and further considering the fact that the applicant appears to have been acquitted in the earlier case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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