

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7031 of 2016

Phagulal Nayak, S/o. Chakradhar Nayak, Aged About 46 Years, R/o. Village Bhairapur, Thana- Sankara, Tahsil- Pithora, District Mahasamund, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Sankara, District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikas Pradhan, Advocate

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/11/2016

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.117/2016 registered at Police Station- Sankara, District Mahasamund (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 45.700 bulk liters and he was arrested on 13.10.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 13.10.2016; therefore, he may be released on bail.
4. Per contra, 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. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 45.700 bulk liters, offence is triable by the JMFC and the applicant is in jail since 13.10.2016, 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.

Sd/-
(Goutam Bhaduri)
Judge