NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7189 of 2016

- Dularwa Verma S/o Indal Verma Aged About 34 Years R/o Village Godhi , Police Station Mandir Hasoud, District Raipur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Mandir Hasoud, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Kishore Narayan, Advocate

For Respondent/State : Mrs. Sunita Jain, 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 on 20-10-2016 in connection with Crime No. 278 of 2016, registered at Police Station Mandir Hasoud, District Raipur (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 6.300 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 applicant has been falsely implicated in the case, he is in jail since 20-10-2016, charge-sheet in this case has been filed 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 6.300 liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 20-10-2016, 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