

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7710 of 2016

- Rakesh Banjare S/o Anandi Banjare Aged About 27 Years Caste Satnami, R/o Jalbandha, Outpost Jalbandha, Tahsil- Khairagarh, District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through: Station House Officer, Outpost Jalbandha (Police Station Khairagarh) District- Rajnandgaon, Chhattisgarh. (As Per Remand Form)

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06-12-2016

1. This is second 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 12-10-2016 in connection with Crime No. 349 of 2016, registered at Police Station : Outpost Jalbandha, PS Khairagarh, District Rajnandgaon (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act. Earlier first bail application was dismissed for want of prosecution on 10-11-2016.
2. As per prosecution case, on 12-10-2016 when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 6.660 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 12-10-2016, 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 6.660 liters, offence is triable by the JMFC, charge-sheet in this case has been filed and the applicant is in jail since 12-10-2016, I am 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