

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7698 of 2016

- Dilharan Kasturiya S/o Paltu Ram Aged About 36 Years R/o Village- Chana Dongari, Police Station- Takhatpur, District (Revenue & Civil)- Bilaspur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through: Police Station- Takhatpur, District (Revenue & Civil)- Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Mr. Anand Kesharwani, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20-12-2016

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 16-10-2016 in connection with Crime No. 307 of 2015, registered at Police Station Takhatpur, District Bilaspur (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on 16-10-2016 when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 9 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, earlier also similar nature of case was filed against him wherein he has been acquitted on 19-1-2015 as per copy of the order filed along with bail petition. He would further submit that the applicant is in jail since 16-10-2016 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.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the earlier bail petition which the applicant has been acquitted.
7. Taking into consideration the totality of the circumstances, considering the quantum of seized liquor and also the fact that the applicant is in jail since 16-10-2016, this court is inclined to release the applicant on bail.
8. 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