

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 7837 of 2016**

- Chandrahas Bhardwaj S/o Mahetaru Bhardwaj Aged About 36 Years R/o Village- Ghoghra, Police Station- Sarsiwa, District- Baloda Bazaar-Bhatapara, Chhattisgarh

---- **Petitioner**

**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Sarsiwa, District- Baloda Bazaar-Bhatapara, Chhattisgarh

---- **Respondent**

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For Applicant : Mr. Yogesh Chandra, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**19-12-2016**

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 30-10-2016 in connection with Crime No. 202 of 2016, registered at Police Station Sarsiwa, District Baloda Bazar – Bhatapara (CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on 30-10-2016 when a raid was conducted by the police party, the applicant was found in possession of illicit liquor measuring about 7 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 false allegations were attributed against the present applicant in one case and he has been acquitted in that case on 8-8-2016 and a copy of that order has been filed along with covering memo of this bail petition. He would further

submit that the applicant is in jail since 30-10-2016 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 in which the applicant has been acquitted.
7. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 7 liters, offence is triable by the JMFC, considering the earlier bail petition and also the fact that the applicant is in jail since 30-10-2016, 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.

Ssd/-  
**(Goutam Bhaduri)**  
Judge

Raju