

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7944 of 2016

Shiv Sagar, S/o. Sukal Chandrawanshi, Aged About 22 Years, R/o. Village - Pinkapar (Medha), Police Station - Dongargarh, District – Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station - Dongargarh, District – Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Ms. Khushbu Verma, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

05/12/2016

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 in connection with Crime No.546/2016 registered at Police Station- Dongargarh, District Rajnandgaon (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 5.400 bulk liters and he was arrested on 15.11.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 15.11.2016; therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.400 bulk liters, offence is triable by the JMFC and the applicant is in jail since 15.11.2016, 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/-
(P. Sam Koshy)
Judge