

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7935 of 2016

Teras Ram Sahu, S/o. Nanki Ram Sahu, Aged About 49 Years, R/o. Village Birgahani (Cha), Tahsil & Police Station Janjgir, Civil & Revenue District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Excise Circle Janjgir, Civil & Revenue, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Indrasen Sahu, 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.08/2016 registered at Excise Circle Janjgir, District Janjgir-Champa (C.G.) for the offence punishable under Section 34(1)(a), 34(2) & 59(A) of the Chhattisgarh Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 9 bulk liters and he was arrested on 21.11.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 21.11.2016; 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 9 bulk liters, offence is triable by the JMFC and the applicant is in jail since 21.11.2016, 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