

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 8012 OF 2016

Rohit Nayak, S/o Chakradhar Nayak, aged about 45 years, R/o Village Bhairapur, Thana Sankara, Tahsil Pithora, District Mahasamund (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station Sankara, District Mahasamund (C.G.)

... Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate.
For Respondent-State	:	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 seeking for grant of bail to the Applicant who is in jail since 13.10.2016 in connection with Crime No. 117 of 2016 registered at Police Station Sankara, District Mahasamund, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution, on search being made, total 45.700 bulk liters of liquor was seized from the unlawful possession of the Applicant and the other co-accused person, namely Phagulal Nayak, and therefore they have been charged with the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and were arrested on 13.10.2016.
3. Learned Counsel for Applicant submits that the case of the present Applicant is similar to that of the other co-accused person, namely Phagulal Nayak, who has already been enlarged on bail vide order dated 9.11.2016 passed in M.Cr.C. No. 7031 of 2016 and therefore the present Applicant may also be enlarged on bail on the ground of parity.
4. Counsel for the State however opposes the prayer for grant of bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case and also taking into consideration the fact that the other co-accused person involved in the case, namely Phagulal Nayak, has been granted bail by this Court vide its order dated 9.11.2016 in M.Cr.C. No. 7031 of 2016, this Court is also inclined to grant bail to the present Applicant.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/