

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 106 of 2017

Vijay Yadav S/o Ramsuneshwar Yadav, aged about 35 Years, R/o Village Mohlana, Police Station Salaiya, District Orangabad (Bihar) at Present R/o Deshi Sarab Shop Village Ulkhar, Police Station Sarangarh, District Raigarh Civil and Revenue District Raigarh, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through Police Incharge Officer Sarangarh, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

23/01/2017

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. 372/2016, registered at Police Station- Sarangarh, District Raigarh (C.G.) for the offence punishable under Sections 34 (1) (A) (2) & 59 (A) of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 8.505 bulk liters and he was arrested on 22.12.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 22.12.2016; therefore, he may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail, however,

she would submit that as per the information received from the concerned SHO, the applicant has no previous antecedent of similar offence.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 8.505 bulk liters; offence is triable by the JMFC and the applicant is in jail since 22.12.2016, 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/-
(Goutam Bhaduri)
Judge