

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 397 of 2017

Tarachand, S/o. Maniram Mohle, aged about 25 years, R/o. Village Chitabahr, P.S. - Darima, District – Sarguja (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : Station House Officer, Police Station – Ambikapur (C.G.)

---- Respondent

For Applicant : Mr. C.J.K. Rao, Advocate
For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

21/02/2017

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 on 28.12.2016 in connection with Crime No. 384/2016, registered at Police Station- Ambikapur, District – Sarguja (C.G.) for the offence punishable under Section 34(1) A & 34 (2) of the Chhattisgarh Excise Act.
2. As per prosecution case, on information being received a raid was conducted by the police party whereby the applicant was found to be in possession of 59.4 bulk liters of foreign liquor and the same was recovered from him and thereby the aforesaid offence was committed.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, the seizure was not made from the applicant and he is in jail since 28.12.2016; therefore, he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he would submit that as per the information received from the concerned SHO, the applicant has no previous antecedents of similar offence.
5. Considering the facts and circumstances of the case, particularly the fact that it is the first offence of the applicant and he is in custody since 28.12.2016, this Court is of the view that it is a fit case where the applicant can be released on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed and 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.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Judge