

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 772 of 2017

- Rahul Baghel S/o Jaidev Baghel, Aged About 23 Years R/o Ganjenar,
Police Station Bhanshi District Dantewada Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Farasgaon, District
Kondagaon Chhattisgarh

---- Respondent

For Applicants : Mr. Kishore Narayan, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-02-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 24-9-2016 in connection with Crime No. 82 of 2016 registered at Police Station Farasgaon, District Kondagaon (CG) for the offence punishable under Sections 34 (2) of the CG Excise Act.
2. As per prosecution case, that when a raid was conducted by the Police on 24-09-2016, from the possession of the applicant 93.60 bulk liters of illicit liquor was seized.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in this case as no seizure was made in person from him. He would further submit that the applicant is in jail sine 24-9-2016 and the alleged seizure having been made no further investigation is necessary. He would further submit that the case of the present applicant is similar to that of other co-accused person who has been granted bail vide order dated 6-2-2017 passed by this Court in

M.Cr.C. No. 548 of 2017, therefore, present applicant may also be released on bail on the ground of parity.

4. On the other hand, learned State counsel opposes the prayer for grant of bail. However, he does not dispute the fact that the case of the present applicants is similar to that of other co-accused person who has been granted bail by this Court.
5. I have heard learned counsel for the parties, perused the case and other documents.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that similarly placed other co-accused person have been released on bail by this Court and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 24-9-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju