

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 865 of 2017

- Vishal Khandelwal S/o Late Shri Omprakash Khandelwal Aged About 26 Years R/o Madan Village Changora- Bhata, Police Station D. D. Nagar, Raipur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer Police Station D. D. Nagar, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashutosh Pandey, Advocate

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

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23-02-2017

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 17-01-2017 in connection with Crime No. 11 of 2017 registered at Police Station D.D. Nagar, Raipur (CG) for the offence punishable under Section 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 in possession of illicit liquor measuring about 5.760 bulk liters, the same was seized from him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, seizure was not made from the applicant, he is in jail since 17-1-2017 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, 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. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 5.760 liters, offence is triable by the JMFC and the applicant is in jail since 17-01-2017, this court is of the view that it is a fit case where the applicant can be released 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/-
(P. Sam Koshy)
Judge

Raju