

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1103 of 2017

- Roshan Lal Patel S/o Kamal Patel Aged About 20 Years Caste- Lodhi, R/o Village Tekapar, Police Station Bori, District Durg, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station - Bori, District-Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Gupta, Advocate

For Respondent/State : Mr. UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-03-2017

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 23-01-2017 in connection with Crime No. 11 of 2017 registered at Police Station Bori, District Durg (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 on 23-1-2017, from the applicant and other co-accused total 8.820 liters of liquor was seized 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, from the present applicant 2.7 liters of liquor was seized, therefore, the case would not fall under Section 34 (2) of the CG Excise Act. He would further submit that the applicant is in ail since 23-1-2017 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 2.7 and the applicant is in jail since 23-1-2017, I am 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