

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1196 of 2017

- Subhash Kaushal S/o Late Shri Krishna Kaushal Aged About 32 Years R/o Station Para Ward No. 13, Chowki Chikhali, Police Station Kotwali, Tahsil Rajnandgaon, Revenue & Civil District Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Chikhali Revenue & Civil District Rajnandgaon, Chhattisgarh.

---Respondent

For Applicant : Mr. A.P. Sharma, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

7-3-2017

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 19-12-2016 in connection with Crime No. 824 of 2016, registered at Police Station Chikhilai, District Rajnandgaon (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 from the possession of the present applicant illicit liquor measuring about 32 quarters 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, he is in jail since 19-12-2016 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 32 quarters, offence is triable by the JMFC and the applicant is in jail since 19-12-2016, 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju