

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1455 of 2017

Chaitu @ Chait Bansal, S/o. Shri Raju Bansal, Aged About 30 Years, Caste -Basore, R/o. Lalpur, Police Station & Tehsil -Manendragarh, District- Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station- Excise Police Manendragarh, District -Koriya, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate
For Respondent : Mr. Samir Behar, Penal Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

23/03/2017

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 in connection with Crime No.287/2017, registered at Police Station- Excise Police Manendragarh, District – Koriya (C.G.) for the offence punishable under Section 34 (2), 34(1) (A) of the Chhattisgarh Excise Act.
2. As per prosecution case, on 27.01.2017 on a raid being conducted from the possession of the applicant illicit liquor measuring about 9 bulk liters liquor was seized and he was arrested on 27.01.2017.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and no seizure was made in person from the present applicant and the applicant is in jail since 27.01.2017; therefore, he may be released on bail.
4. The case was passed over on 20.03.2017 for want of case diary and the case was fixed for today for diary. Today again, the State counsel

in absence of case diary is unable to submit that whether any past antecedents are to the credit of the applicant or not.

5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 9 bulk liters; offence is triable by the JMFC and the applicant is in jail since 27.01.2017 and further taking into the fact that State is unable to point out any past antecedents of the applicant, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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/-
(Goutam Bhaduri)
Judge