

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1480 of 2017

Nandlal, S/o. Raghunandan Yadav, Aged About 23 Years, R/o. Village -Rawad, Police Station -Fingeshwar, District -Gariyaband, Chhattisgarh. .

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station -Fingeshwar, District -Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Amit Kumar Sahu, Advocate
For Respondent	:	Ms. K. Tripti Rao, Penal Lawyer

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

21/03/2017

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.19/2017, registered at Police Station- Fingeshwar, District – Gariyaband (C.G.) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. The prosecution alleges that when a raid was conducted by the police on 26.01.2017, from the joint possession of the applicant along with other co-accused, approximately 72 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 26.01.2017. It is further submitted that similarly placed co-accused in this case have been enlarged on bail vide order dated 01.03.2017 in M.Cr.C. No.1005/2017; therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, she do not dispute the fact that similarly placed co-accused in this case have been enlarged on bail.
5. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor is 72 bulk liters; offence is triable by the JMFC and the applicant is in jail since 26.01.2017 and further taking into the fact that similarly placed co-accused in this case have been enlarged on bail vide order dated 01.03.2017 in M.Cr.C. No.1005/2017, 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