

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7565 of 2016

Prakash Pade, S/o. Babulal Pade, Aged About 25 Years, R/o. Village Kukrachunda, Police Station - Bhatapara (Gramin) in the Revenue & Civil District Baloda Bazar / Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station- Excise Circle Simga in the Revenue & Civil District- Baloda Bazar / Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Santosh Kumar Verma, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/01/2017

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.162/2016 registered at Police Station- Excise Circle Simga, District Baloda Bazar / Bhatapara (C.G.) for the offence punishable under Section 34(2) of the Excise Act.
2. The prosecution alleges that the applicant was found to be in possession of illicit liquor measuring about 9 bulk liters and he was arrested on 05.10.2016.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 05.10.2016; therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

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 05.10.2016, 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.

Sd/-
(Goutam Bhaduri)
Judge