

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7845 of 2016

Shyamdhar Jangade, S/o. Late Jhumka Jangade, Aged About 40 Years,
R/o. Village Jugesar, Police Station- Mandir Hasaud, District- Raipur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- The Station House Officer, Police Station-
Mandir Hasaud, District- Raipur, Chhattisgarh .

---- Respondent

For Applicant : Mr. B.L.Sahu, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/01/2017

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.280/2016 registered at Police Station- Mandir Hasaud, District Raipur (C.G.) for the offence punishable under Section 34(2) of the Excise Act and Section 20-B(2) of N.D.P.S. Act.
2. As per the prosecution case, on 20.10.2016, on a raid being conducted, from the possession of the applicant total 84.25 bulk liters of illicit liquor was seized alongwith 300 grams of Cannabis.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated and the seizure of Cannabis was made from an open place i.e. Kitchen Garden, which was not in exclusive possession of the present applicant and the recovery of Liquor was also not made in person of the applicant. He further submits that the charge sheet has been filed and no further

investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case, taking into the nature and quantity of the recovery made and further considering the fact that the charge sheet has been filed, I am 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