

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8160 of 2016

Radha Prasad Jaiswal, S/o. Late Mukhlal Prasad Jaiswal, Aged About 60 Years, R/o. Village Durti, Police Station & Tahsil Pratappur, District Surajpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station Pratappur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. U.K.S.Chandel, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/01/2017

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.238/2016 registered at Police Station- Pratappur, District Surajpur (C.G.) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on 27.11.2016 on a raid being conducted, from the possession of the present applicant, 5.58 liters of illicit liquor was seized.
3. Learned counsel for the applicant would submit that earlier also the applicant has been falsely inculpated in the like nature of case wherein he has been acquitted by the order dated 19.01.2016, copy of which is enclosed with the bail application; 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 earlier acquittal order dated 19.01.2016. Considering the facts and circumstances of the case and the quantity of seized liquor and further considering the fact that the applicant is in jail since 27.11.2016, 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