

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8576 of 2016

- Ghasiram Yadav S/o Ranglal Yadav Aged About 50 Years R/o Village-Padigaon Tahsil Pussaur District Raigarh, Chhattisgarh.

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Excises Circle South, District Raigarh, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. V.K. Pandey, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-01-2017

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicant who has been arrested on 9-12-2016 in connection with Crime No. 285 of 2016 registered at Police Station Excise Circle, South, District Raigarh (CG) for the offence punishable under Section 34(1)(A), (8) and 59 of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that on being information received that the applicant was having illicit liquor and was ready to sell, a raid was conducted by the Police party and from the possession of the applicant, 7.200 litres of liquor was seized and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, earlier also the applicant was inculpated in the similar nature of offence whereby he

was acquitted by order dated 7-10-2016 passed by Judicial Magistrate First Class, Raigarh in Crime No. 473 of 2015 and a copy thereof is placed on record. He would further submit that charge-sheet has been filed, the applicant is in jail since 9-12-2016 and no further investigation is necessary, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail application
5. I have heard learned counsel for the parties, perused the case diary, documents and the order dated 7-10-2016 passed by the JMFC in Crime No.473 of 2015.
6. Taking into consideration all the facts and circumstances of the case, considering the quantity of liquor and further considering the fact that the offence is triable by the Judicial Magistrate First Class and also the fact that the applicant is in jail since 9-12-2016 and no further investigation is necessary, I am inclined to release the applicant on bail
7. Accordingly, the application filed under Section 439 of the Cr.P.C., is allowed and it is directed that the applicant shall be released on bail on his 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

Raju

