

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5859 of 2017

Sewak Nishad @ Gajani @ Chhotu, S/o. Santram Nishad, Aged About 19 Years, R/o. Shankar Nagar, Tah & P.S. Simga, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station-Simga, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. ADvocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/09/2017

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.225/2017 registered at Police Station- Simga, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on 02.08.2017, on a raid being conducted, from the possession of the applicant, total 5.40 bulk liters of illicit liquor as seized.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case and he is in jail since 02.08.2017 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. Considering the facts & circumstances of the case, taking into the quantity of seized liquor and the fact that applicant is in jail since 02.08.2017, 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