

(2018) 12 CHH CK 0111

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 9830 Of 2018

Bhushan Lal Kurre

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 20-12-2018

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Chhattisgarh Excise Act, 1915 — Section 34(2), 36(c)

Citation : (2018) 12 CHH CK 0111

Hon'ble Judges : Parth Prateem Sahu, J

Bench : Single Bench

Advocate : Vikas Pandey, RK Mishra

Final Decision : Allowed

Judgement

Parth Prateem Sahu, J

1. The applicant has filed this bail application under Section 439 of the Code of Criminal Procedure, 1973 (in short 'the Code') for grant of bail as he is

in custody in connection with Crime No. 414 of 2018, registered at Police Station Simga, district Baloda Bazar for the offence punishable under

Section 34(2) of Chhattisgarh Excise Act, 1915.

2. Allegation against the applicant is that on the basis of information, Police went to village Powsiri and seized 6.12 bulk litres country made liquor

from illegal possession of the applicant.

3. Heard learned counsel for the parties.

4. Learned counsel for the applicant submits that no illicit liquor was found from exclusive possession of the applicant. He further submits that alleged

liquor has been seized from an open place, by the side of road.

Present applicant has not committed any offence and has been falsely implicated in the case. He is in custody since 24.11.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that there are previous criminal track registered

against the applicant out of which one is registered under Section 36 (c) of the Chhattisgarh Excise Act and the other is of preventive nature.

6. Considered the submissions made by learned counsel for the parties and perused the records. Looking to the quantity of the liquor; considering the

totality of the case and the period of detention; I am of the view that it is a fit case to enlarge the accused/applicant on bail. Accordingly, the bail

application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 10,000/- (Rupees

ten thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned for his regular appearance before the said Court on

each and every date given by the Court.

Certified copy as per rules.