
(2018) 12 CHH CK 0113

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 9553 Of 2018

Darbar Yadav

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)

Citation : (2018) 12 CHH CK 0113

Hon'ble Judges : Parth Prateem Sahu, J

Bench : Single Bench

Advocate : Vikash Pradhan, Anil S Pandey

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. 151 of 2018, registered at Police Station Tendukona (outpost- Bundeli), district Mahasamund for the offence punishable under Section 34(2) of Chhattisgarh Excise Act, 1915.
2. Based on information, Police Station Tendukona (outpost- Bundeli) seized 7 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 recovery of liquor has been made from an open place and not from exclusive possession of the present applicant. He further submits that present applicant has not mcrc 9553 of 2018 committed any offence and has been falsely implicated in the

case. He is in custody since 09.11.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that recovery of the alleged liquor is made from

badi situated on backside of the house of the applicant and there is no other criminal track record against the applicant.

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

has not been seized from the exclusive possession of present applicant; and also considering 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.