
(2018) 12 CHH CK 0108

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 9778 Of 2018

Ritesh @ Babu Agrawal

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 0108

Hon'ble Judges : Parth Prateem Sahu, J

Bench : Single Bench

Advocate : Sumesh Shrivastava, Dhiraj Wankhede

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. 201 of 2018, registered at Police Station Komakhan, district Mahasamund for the offence punishable under

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

2. As per case of the prosecution, allegation against the applicant is that when the applicant was travelling on a motorcycle bearing No.OD-26- 5206,

he was stopped near the Mandi in between Khariyar Road to Narra and during search 28 bulk litres of country made liquor was seized from

possession of present applicant and he was arrested.

3. Heard learned counsel for the parties.

4. Learned counsel for the applicant submits that he has been stopped by the

Police near Police Station and he was not in possession of alleged liquor, stated to have been seized from him. He further submits that the applicant has been falsely implicated in the case and there is no criminal antecedents against the present applicant. Applicant is in jail since 01.12.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that the alleged liquor has been seized from the motorcycle which was being driven by the present applicant. Investigation is going on and charge-sheet has not been filed yet.

6. Considered the submissions made by learned counsel for the parties and perused the records. Considering the totality of the case and also considering that there is no previous criminal track record of the present applicant, 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.