

(2018) 12 CHH CK 0110

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 9789 Of 2018

Sadhucharan

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(1)(A)(2)

Citation : (2018) 12 CHH CK 0110

Hon'ble Judges : Parth Prateem Sahu, J

Bench : Single Bench

Advocate : AK Yadav, 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. 42 of 2018, registered at Police Station Excise Circle Rajpur, district Balrampur-Ramanujganj for the offence

punishable under Section 34 (1) (A) (2) of Chhattisgarh Excise Act, 1915 for possessing 32 litres of country made liquor.

2. Allegation against the applicant is that he is in possession of 32 bulk litres of illicit country liquor.

3. Heard learned counsel for the parties.

4. Learned counsel for the applicant submits that seizure of the alleged liquor has been made from an open place ie badi situated behind the house of

the applicant, which is accessible to any person. He further submits that the applicant is in jail since 16.11.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that there is the seizure has been made from the badi of the present applicant.

6. Considered the submissions made by learned counsel for the parties and perused the records. Considering the place of seizure which is an open place situated behind the house of the present applicant and also looking to the period of detention and also looking to the fact that there is no previous criminal track record against the 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.