
(2018) 12 CHH CK 0114

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 9780 Of 2018

Santosh Sagar

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 0114

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. 576 of 2018, registered at Police Station Kasdol, Police Outpost- Sonakhan, district Baloda Bazar, Bhatapara

for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act, 1915.

2. As per case of the prosecution, on the basis of secret information received, Police made search and seized 10 bulk litres of hand made Mahua

liquor from the agricultural field of the present applicant.

3. Heard learned counsel for the parties.

4. Learned counsel for the applicant submits that the alleged seizure of liquor has been made from open place, not from the exclusive possession of

the present applicant. He has been falsely implicated in the case and he has not

been involved in any manner in the aforementioned crime. He further submits that investigation is complete in this case and there is no criminal antecedents against the present applicant. Applicant is in jail since 16.10.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail.

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 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.