
(2019) 06 CHH CK 0006

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 3506 Of 2019

Shiv Das Anant

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 03-06-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Chhattisgarh Excise Act, 1915 — Section 34(2), 34(p), 59(A)

Citation : (2019) 06 CHH CK 0006

Hon'ble Judges : Parth Prateem Sahu, J

Bench : Single Bench

Advocate : Ravindra Sharma, Raghvendra Verma

Final Decision : Allowed

Judgement

Parth Prateem Sahu, J

1. The applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.140/2019 registered at Police Station Takhatpur, District Bilaspur (CG) on the allegation of having committed the offence punishable under Section 34 (2), 59(A) of the Excise Act.

2. Case of the prosecution, in brief, is that the applicant has been found in illegal and unauthorized possession of 180 bulk litre of country liquor.

3. Learned counsel for the applicant submits that the country liquor has been seized from the house in which the Applicant reside alongwith other inmates. He submits that the liquor has not been seized from the exclusive possession of the Applicant. He is in jail since 10.5.2019. Though the investigation is not complete, further detention of the applicant is not necessary for completion of investigation. Therefore, at this stage, looking to the small quantity of liquor alleged to be seized from the possession of the applicant, he may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that as unauthorized liquor was seized from the possession of the applicant, a prima facie case is made out. Investigation is not complete, therefore, at this stage the bail application may be rejected. However, he submits that there is no previous antecedents against the present Applicant.

5. Considering the totality of case, particularly, the fact that this is the first offence committed by the Applicant and there is no previous track record of having committed similar offence, and that further detention of applicant is not necessary for completion of investigation and that the Applicant is in jail since 10.05.2019, this Court is of the opinion that present is a fit case where the applicant should be enlarged on bail.

6. Accordingly, the bail application is allowed. It is directed that on applicant's furnishing a personal bond in the sum of Rs.25,000/- with two local sureties in the like sum to the satisfaction of the Court below concerned, he be released on bail for his appearance before the Court below concerned as and when directed. The applicant shall fully cooperate with the investigation and shall appear before the police authorities as and when directed, failing which the bail granted to him would be liable to be rejected.