

(2021) 05 CHH CK 0083

In the Chhattisgarh High Court

Case No : Miscellaneous Criminal Case (MCRC) No. 2872 Of 2021

Yuvraj Om Prakash Yadav

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 21-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Chhattisgarh Excise Act, 1915 — Section 34(1)(a), 34(2), 36, 59(A)

Citation : (2021) 05 CHH CK 0083

Hon'ble Judges : Goutam Bhaduri, J

Bench : Single Bench

Advocate : Vikas A. Shrivastava, Vimlesh Bajpai

Final Decision : Allowed

Judgement

Goutam Bhaduri, J

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been

arrested in connection with Crime No.234/2021 registered at Police Station-Excise Circle Jagdalpur, District Bastar (C.G.) for the offence punishable

under Sections 34(1)(a), 34(2), 36 & 59(a) of the Chhattisgarh Excise Act.

2. As per the prosecution case, on a raid being conducted on 15.03.2021, from the possession of the applicant, total 86.4 bulk liters of illicit liquor was seized.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, he is in jail since 15.03.2021 and the seizure has already been made, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Considering the facts & circumstances of the case, taking into the quantity of seized liquor and the fact that applicant is in jail since 15.03.2021, I

am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.

6. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.15,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.