

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3665 of 2018

- Guman Nishad, S/o Dheluram Nishad, Aged About 46 Years, R/o- Village- Kukda, Thana Panduka, District- Gariyaband (CG)

---- Applicant (In Jail)

Versus

- State Of Chhattisgarh Through- Police Station Panduka, District- Gariyaband (CG)

---- Respondent

For Applicant	:	Shri K.K. Dewangan, Advocate
For Respondent	:	Shri Majid Ali, Panel Lawyer.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/05/2018

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.64/18 registered at Police Station Panduka, District Gariyabandh (CG) on the allegation of having committed the offence punishable under Section 34 (2) of the Excise Act.
2. Case of the prosecution, in brief, is that the applicant has been found in illegal and unauthorized possession of country liquor of 9 bulk litre.
3. Learned counsel for the applicant submits that a false seizure has been made to falsely implicate the applicant. He is in jail since 1.5.2018. 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.
5. Considering the totality of case, particularly the total quantity of country liquor alleged to be seized from the possession of the applicant, the fact that further detention of applicant is not necessary for completion of investigation and that the applicant does not appear to be an accused of commission of similar offence in the past, 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.
7. Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge

roshan/-