

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9553 of 2018

- Darbar Yadav S/o Ramsingh Aged About 59 Years Cast Rawat R/o Vilalge Bundeli Outpost Pithora ,district Mahasamund Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Throught Station House Officer ,police Station (Outpost Bundeli) Tendukona,district Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate
For State	: Shri Anil S Pandey, GA

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

20.12.2018

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. 151 of 2018, registered at Police Station Tendukona (outpost- Bundeli), district Mahasamund for the offence punishable under Section 34(2) of Chhattisgarh Excise Act, 1915.
2. Based on information, Police Station Tendukona (outpost- Bundeli) seized 7 litres country made liquor from illegal possession of the applicant.
3. Heard learned counsel for the parties.
4. Learned counsel for the applicant submits that recovery of liquor has been made from an open place and not from exclusive possession of the present applicant. He further submits that present applicant has not

committed any offence and has been falsely implicated in the case. He is in custody since 09.11.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that recovery of the alleged liquor is made from *badi* situated on backside of the house of the applicant and there is no other criminal track record against the applicant.

6. Considered the submissions made by learned counsel for the parties and perused the records. Looking to the quantity of the liquor; alleged liquor has not been seized from the exclusive possession of present applicant; and also considering the period of detention; 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.

Sd/-
(Parth Prateem Sahu)
V. JUDGE