

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9778 of 2018

- Ritesh @ Babu Agrawal S/o Shri Radheshyam Agrawal Aged About 38 Years R/o Ward No. 5 ,khariyar Road ,police Station Joank ,tahsil ,civil And Revenue District Nuapada Orissa

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer ,police Station Komakhan ,district Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondent

For Applicant	: Shri Sumesh Shrivastava, Advocate
For State	: Shri Dhiraj Wankhede, Government Advocate

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. 201 of 2018, registered at Police Station Komakhan, district Mahasamund for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act, 1915.
2. As per case of the prosecution, allegation against the applicant is that when the applicant was travelling on a motorcycle bearing No.OD-26-5206, he was stopped near the Mandi in between Khariyar Road to Narra and during search 28 bulk litres of country made liquor was seized from possession of present applicant and he was arrested.
3. Heard learned counsel for the parties.

4. Learned counsel for the applicant submits that he has been stopped by the Police near Police Station and he was not in possession of alleged liquor, stated to have been seized from him. He further submits that the applicant has been falsely implicated in the case and there is no criminal antecedents against the present applicant. Applicant is in jail since 01.12.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that the alleged liquor has been seized from the motorcycle which was being driven by the present applicant. Investigation is going on and charge-sheet has not been filed yet.

6. Considered the submissions made by learned counsel for the parties and perused the records. Considering the totality of the case and also considering that there is no previous criminal track record of the present 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.

Sd/-
(Parth Prateem Sahu)
V. JUDGE