

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9830 of 2018

- Bhushan Lal Kurre S/o Late Devlal Kurre Aged About 30 Years R/o Village Limtara, P. S. Simga, Civil And Revenue District Baloda Bazar Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Simga, Civil And Revenue District Baloda Bazar Chhattisgarh

---- Respondent

For Applicant	: Shri Vikas Pandey, Advocate
For State	: Shri RK Mishra, Dy AG

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. 414 of 2018, registered at Police Station Simga, district Baloda Bazar for the offence punishable under Section 34(2) of Chhattisgarh Excise Act, 1915.

2. Allegation against the applicant is that on the basis of information, Police went to village Powsiri and seized 6.12 bulk 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 no illicit liquor was found from exclusive possession of the applicant. He further submits that alleged liquor has been seized from an open place, by the side of road.

Present applicant has not committed any offence and has been falsely implicated in the case. He is in custody since 24.11.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail and submits that there are previous criminal track registered against the applicant out of which one is registered under Section 36 (c) of the Chhattisgarh Excise Act and the other is of preventive nature.

6. Considered the submissions made by learned counsel for the parties and perused the records. Looking to the quantity of the liquor; considering the totality of the case and 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