

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.Cr.C.No. 3349 of 2015

Vishwanath Sharma, S/o Ramcharndra Sharma, aged about 45 years, R/o village Birimdega, Pathalgaon, PS Pathalgaon, tahsil Pathalgaon, Civil and Revenue District Jashpur, District Jashpur, CG

---Applicant

Versus

State of Chhattisgarh, Through Police Station Pathalgaon, District Jashpur, CG

---Respondent

23.7.2015	Shri Sanjay Agrawal counsel for the applicant. Shri Chandresh Shrivastava PL for the respondent/State. This is the second application filed by the applicant under Section 439 of the Code of Criminal Procedure for grant of bail who is in custody in connection with Crime No. 81/2015 registered at police station Pathalgaon, District Jashpur for the offence punishable under Section 34(2) of the Excise Act. First application was dismissed as withdrawn on 1.6.2015 without pressing on merits. Case of the prosecution in brief is that on 8.5.2015, 18.870 bulk liters of English liquor was found in possession of the applicant kept in a <i>Dhaba</i>. Counsel for the applicant submits that the applicant has been falsely implicated in the case and no case of like nature is pending against him and in support of this statement he has also filed an affidavit. He submits that charge sheet has also been filed.	

Counsel for the respondent/State however opposes the application for bail.

Considering the facts and circumstances of the case, quantity of liquor seized and the affidavit stating that no case related to such offence is pending against the applicant, this Court is of the opinion that it is a fit case to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his furnishing a bond in the sum of Rs. 25,000 with one surety of like sum to the satisfaction of the concerned Court.

Sd/-
(Pritinker Diwaker)
Judge