

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3835 of 2015

Dau Ram Kaushik S/o Santram, aged about 53 years R/o Village
Devtara, Police Station Takhatpur, District Bilaspur (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through: Station House Officer, Police Station
Takhatpur, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Smt. Madhunisha Singh, Advocate
For Respondent/State	:	Shri Vivek Singhal, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

24/07/2015

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 08.07.2015 in connection with Crime No. 189 of 2015 registered at PS Takhatpur, District Bilaspur for the offence punishable under Sections 34 (2) and 59 (A) of Excise Act.

As per the prosecution, on 08.07.2015, the applicant was found to be in possession of total 8 bulk liters of hand made liquor which was kept in his courtyard. Subsequently, a case was registered against the applicant under the provisions of Excise Act and he was arrested in connection with the said offence.

Counsel for the applicant submits that the applicant was not the only inmate of the house to establish the exclusive possession of the applicant. He further submits that the applicant has been falsely implicated in this case and he is in jail since 08.07.2015, therefore, considering these facts the applicant may be released on bail.

Per contra, counsel for the State opposes the application for grant of bail.

Taking into consideration the quantity of liquor which is alleged to have been seized from the possession of the applicant and also the fact that there were other inmates also in the house from where the said liquor was seized, prima facie, I am of the opinion that it is a fit case where the present applicant can be released on bail.

Accordingly, the application for grant of bail is allowed. It is directed that if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

**Sd/-
(P. Sam Koshy)
JUDGE**