

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3846 of 2015

Chowa Ram Kashyap @ Munna S/o Late Kashi Ram aged about 48 years R/o Vill- Podi (Kala), P.S. & Tah. Takhatpur, Dist.- Bilaspur, (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: P.S. Takhatpur, Dist.- Bilaspur, (C.G.)

---- Respondent

For Applicant	-	Shri H. V. Sharma, Advocate
For Respondent	-	Smt. Madhunisha Singh, 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 05.07.2015 in connection with Crime No. 184 of 2015 registered at PS Takhatpur, District Bilaspur for the offence punishable under Section 34(1)(a), 34 (2) & 59(a) of Excise Act.

As per the prosecution, on 05.07.2015, the applicant was found to be in possession of 18 bulk liters of country made liquor which was kept in his house. 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 05.07.2015, 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**