

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2762 of 2016

Mithilesh Singh S/o Bindeshwari Singh, aged about 48 years, at present address resident of Village Bhurkoni, thana, Tumgaon, Tahsil/District Mahasamund (CG) and permanent address resident of village New Area Aurangabad, Thana/Tahsil/District Aurangabad (Bihar).

Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station, Tendukona, District Mahasamund (CG).

Respondent

For Applicant	: Shri Vikas Pradhan, Advocate.
For Respondent	: Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

07.06.2016

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.44/2016 registered at Police Station Tendukona, Distt. Mahasamund for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 42.66 bulk liters of illicit liquor was seized by the police from the present applicant.
3. Learned counsel for the applicant submits that the applicant is in detention since 29.04.2016. He further submits that applicant has no criminal background and has been falsely implicated in the case, and therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard the counsel appearing for the parties.
6. Without commenting on merits, considering the totality of the facts and circumstances of the case, small quantity of liquor and also considering the fact that the applicant is in detention since 29.04.2016, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. Certified copy as per rules.

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