

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3387 of 2016

Bhupendra Dhiwar S/o Premlal Dhiwar, aged about 55 years, residents of village Datan Police Station Palari, Tehsil Palari, Civil and Revenue District Baloda Bazar/Bhatapara (CG).

Applicant

Versus

State of Chhattisgarh through Excise Sub Inspector Range (Circle) Baloda Bazar, in the revenue and civil district Baloda Bazar/Bhatapara (CG).

Respondent

For Applicant : Shri JR Verma, Advocate.

For Respondent : Shri Gary Mukhopadhyay, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On-06.06.2016

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. 109/2016 registered at Police Station Excise Police Range, Baloda Bazar, District Baloda Bazar-Bhatapara, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 7.20 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 26.05.2016. 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 26.05.2016, 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.25,000/- with two sureties 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

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