

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2717 of 2016

Smt. Rajani Devi W/o Shri Rajkumar Jaiswal Aged About 28 Years R/o
Javaharpara, Daundi, P.S. Daundi, District Balod, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Daundi, District Balod,
Chhattisgarh.

-----Respondent

For Applicant : Shri Vipin Tiwari, Advocate.

For Respondent : Shri Gary Mukhoaadhay, Dy. 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.64/2016 registered at Police Station Daundi, District Balod (C.G.), for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 7.2 bulk liters of illicit country made liquor was seized by the police from the present applicant.
3. Learned counsel for the applicant submits that the applicant is in detention since 23.03.2016. He further submits that applicant 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 and submits that there are past criminal antecedents against the present Applicant in as much as there are 6 criminal cases pending against the Applicant.

5. On verification it has been found none of these cases leveled against the Applicant is under the Excise Act.
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 01.04.2016 and this is the first offence that has been committed by the present Applicant under Excise Act, 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