

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2798 OF 2016

Premlal Badai, aged about 55 years, S/o Hirasingh Badai, by caste Halba,
R/o Village Ghotiya, Thana Durgukondal, Tahsil Bhanupratappur, District
U.B. Kanker

... Applicant

Versus

The State of Chhattisgarh, through Police Station Durgukondal, Distt.
U.B. Kanker (C.G.)

... Non-applicant

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Non-applicant/State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to the Applicant who is in jail since 29.3.2016 in connection with Crime No. 12/2016 registered at Police Station- Durgukondal, District Uttar Bastar Kanker, for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.
2. As per the prosecution, on search being made, total 7.20 bulk liters of foreign liquor was seized from unlawful possession of the Applicant on 29.3.2016 from his shop and therefore he has been charged with the offence punishable under Section 34(2) of the Chhattisgarh Excise Act and has been arrested on 29.3.2016 itself.
3. Learned counsel for Applicant submits that the Applicant is innocent, he has been falsely implicated in the instant case and no liquor has been seized from his absolute possession. He further submits that the Applicant is in judicial custody since 29.3.2016 and that this is the first time where the Applicant has been implicated under the Excise Act and

therefore taking into consideration all these facts he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that the Applicant was found to be in unlawful possession of 7.20 bulk liters of liquor and therefore he may not be enlarged on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case, the quantity of liquor seized and also considering the fact that the Applicant is in detention since 29.3.2016, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

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