

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2593 of 2016

Beersingh Dande S/o late Kartik Ram Dande, aged about 30 years, resident of near Water Tank Gogaon, Police Station Gudhiyari, District Raipur (CG).

APPLICANT

Versus

State of Chhattisgarh through its Police Station Gudhiyari, District Raipur, Civil and Revenue District Raipur (CG).

RESPONDENT

For Applicant	: Shri Ravi Maheshwari, 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.64/2016 registered at Police Station Gudhiyari, District Raipur, 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 possession of the present applicant on 14.03.2016.
3. Learned counsel for the applicant submits that the applicant is in detention since 14.03.2016. He further submits that this is the first excise case against the applicant 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 on the ground that conduct of the applicant is not so good and except the present case, 13 other cases are also pending against the applicant right from the year, 2001 onwards.
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, first offence of excise nature and also considering the fact that the applicant is in detention since 14.03.2016, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail. None of the 13 other cases cited by the State counsel were under Excise Act.
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