

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2700 of 2016

1. Banau Yadav, aged about 65 years, S/o. Dhurai, R/o. Village Piparkhunti (wrongly mentioned as Piparghanti in the impugned order). Police Station & Tahsil Lormi, District Mungli (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Lormi, district Mungeli (CG).

---- Respondent

For Applicant : Shri Akhil Mishra, Advocate.

For Respondent : Shri Gary Mukhopadhyaya, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

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.147/2016 registered at Police Station Lormi, District Mungeli for the offence punishable under Sections 34(2) and 59(A) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 54 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 11.4.2016. 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, quantity of liquor and also considering the age of the applicant and that he is in detention since 11.4.2016, 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