

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3414 of 2017

- Bhagirathi S/o Derha Sahu, aged about 32 years, R/o Pulgaon, P.S. Pulgaon, Tahsil & District Durg (CG)

---- Applicant (In Jail)

Versus

- State Of Chhattisgarh Through : District Magistrate, Durg, Thana Incharge City Kotwali, Durg, Tahsil & District Durg (CG)

---- Non-applicant

For Applicant	:	Shri Jitendra Gupta, Advocate
For Respondent	:	Shri S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order On Board

13/06/2017

1. The applicant has preferred this application under Section 439 Cr.P.C. for grant of regular bail as he is in custody since 31.3.2017 in connection with Crime No.210/17 registered at Police Station Durg, District Durg (CG) for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that the applicant has been found in illegal possession of 5.760 litres country made liquor.
3. Learned counsel for the applicant submits that the applicant is in jail since 31.3.2017, he has no criminal past and the trial is likely to take some more time for its disposal, therefore, the applicant may be released on bail.
4. On the other hand, learned counsel for the State has opposed the bail application, however, he does not dispute the fact that the applicant has no criminal past.

5. Considering the totality of case, in particular the small quantity of liquor and period of detention of the applicant, without commenting on merits, this Court is of the opinion that present is a fit case where the applicant should be enlarged on bail.
6. Accordingly, the bail application is allowed. It is directed that on applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Court below concerned, he be released on bail for his appearance before the Court below concerned as and when directed.
7. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge

roshan/-