

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3409 of 2017

- Shambhu Yadav, S/o Nanheram Yadav, aged about 19 years, R/o Mandir Chowk, Kumharpara, Jarhabhata, Bilaspur, P.S. Civil Line, District Bilaspur (CG)

---- Applicant (In Jail)

Versus

- State Of Chhattisgarh Through : The Police Station Sarkanda, District Bilaspur (CG)

---- Non-applicant

For Applicant	:	Shri P.K. Tulsiyaan, Advocate
For Respondent	:	Shri Wasim Miyan, 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 26.4.2017 in connection with Crime No.296/17 registered at Police Station Sarkanda, Bilaspur (CG) for the offence punishable under Section 34 (2) / 59-A of the Chhattisgarh Excise Act.
2. Allegation against the present applicant, as per prosecution, is that on the basis of secret information the police raided the house of the applicant and he was found to be in possession of 315 liters of country made liquor.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question as this is the case where the present applicant had some enmity with the local Corporator namely Panchram Suryavanshi on whose influence a false report has been

registered against the applicant. He further submits that the applicant is a young boy aged about 19 years, he has no criminal antecedents, he is in jail since 26.4.2017 and the trial is likely to take some more time for its disposal, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State and the counsel for the objector have opposed the bail application. Counsel for the objector submits that the quantity of liquor seized from the possession of the applicant is large and there is possibility of applicant repeating the offence in case he is enlarged on bail.
5. Considering the totality of case, in particular the age of applicant i.e. 19 years, period of detention and the fact that he has no criminal past, 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/-