

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3482 of 2017

- Hildhar Bariha S/o Late Shri Dhaniram Bariha, Aged About 28 Years By Caste- Binjwar, Occupation- Labour, R/o Village- Nadi Charouda, Police Outpost- Bundeli, Thana- Tendukona, Civil & Revenue District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : The District Magistrate, Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Mr. Arvind Kumar Shukla, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/11/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 26/2017, registered at Police Station- Tendukona, District – Mahasamund(C.G.) for the offence punishable under Sections 34(2) of the Chhattisgarh Excise Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The seizure of liquor has been made from the bank of river, the possession of this liquor cannot be attributed to the applicant. It is also submitted that after filing of charge-sheet, trial has commenced and the witnesses of memorandum and seizure have been examined, who have turned

hostile and not supported the case of prosecution. In this development of situation, it is prayed that applicant be grant of regular bail.

3. Learned State counsel opposes the prayer for grant of bail, however, he would submit that looking to the huge quantity of liquor seized from the possession of applicant, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. In total 189 bulk liter country made liquor was seized from the applicant, 9 bulk liter country made liquor which was kept in his house and the remaining 180 bulk liter was seized in the bank of river at his instance on the memorandum statement given by him.
6. Considering the submissions made in this respect, contents of case diary and looking to this fact that applicant has no criminal antecedent, he is the local resident of the locality whose availability before the trial Court shall not be compromised if he is enlarged on bail, hence, this appears to be a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge