

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3597 of 2017

- Vijaylal Rathiya S/o Parruram Rathiya, Aged About 35 Years Occupation Agriculture, R/o Village Jabalpur P.S. Bhupdevpur, Tahsil Kharsiya, District Raigarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Bhupdevpur, District Raigarh, Chhattisgarh

-----Respondent

For Applicant : Shri Manoj Kumar Jaiswal, Advocate.

For Respondent : Smt. M. Asha, Panel Lawyer for the State.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On 12.06.2017.

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.77/2017 registered at Police Station Bhupdevpur, Distt. Raigarh for the offence punishable under Section 34(1)(A) (2) and 59(A-02) of the Chhattisgarh Excise Act.
2. Case of the prosecution, in brief, is that 18 bulk liters of illicit liquor was seized by the police from the present applicant.
3. Learned counsel for the applicant submits that the applicant is in detention since 06.5.2017. 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 and quantity of liquor and also considering the fact that the applicant is in detention since 06.5.2017, 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 solvent sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
9. If any similar criminal antecedent of the applicant is pointed out at a later stage, the instant bail order shall automatically stand cancelled.
10. In view of the above, IA No.01 for urgent hearing and IA No.02 for hearing the case during summer vacation stand disposed of.
11. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge