

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3643 of 2017

- Raghunath Dewangan S/o Dhanva Aged About 56 Years R/o Village Silhati, Police Station Sahaspur Lohara, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Sahaspur Lohara, District Kabirdham, Chhattisgarh.

-----Respondent

For Applicant : Shri Ajay Ayachi, Advocate.

For Respondent : Shri Aditya Sharma, Panel Lawyer for the State.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On 15.06.2017.

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.92/2017 registered at Police Station Sahaspur Lohara, Distt. Kabirdham for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

2. Case of the prosecution, in brief, is that 8.100 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 07.4.2017. 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 on the ground that there are criminal antecedent reported

against the applicant, but in those cases the quantity of liquor so seized from the applicant was less than five liters.

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 07.4.2017, 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 her 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.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
Vacation Judge