

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.3522 of 2018**

Fagulal S/o Panbudi Yadav Aged About 52 Years R/o- Village- Surajgarh, P.S.
And Tahsil- Pusaur, District- Raigarh, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station Pusaur,
District- Raigarh, Chhattisgarh.

---- Non-Applicant

For Applicant: Shri Vineet Kumar Pandey, Advocate.
For State/Non-Applicant: Shri Anupam Dubey, Panel Lawyer.

Single Bench: Hon'ble Shri Pritinker Diwaker, J
Order On Board

21.5.2018

1. The Applicant has filed this application under Section 439 Code of Criminal Procedure for grant of regular bail as he is in custody since 29.03.2018 in connection with Crime No.49/2018 registered at Police Station – Pusaur, District Raigarh (CG) for the offence punishable under Sections 34 (2) & 59 (A) of the Chhattisgarh Excise Act.
2. As per the case of the prosecution, on 29.3.2018, the Applicant was found in illegal possession of 36 bulk liters of country made liquor.
3. Learned Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the alleged crime. He submits further that the offence is triable by the Judicial Magistrate First Class, there are no previous criminal antecedents of similar offence against the Applicant and is therefore liable to be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the prayer for bail.

5. Considering the totality of the facts and circumstances of the case, in particular, the quantity of liquor seized, the fact that the applicant is in jail since 29.3.2018 and that there are no criminal antecedents against him and that the offence is triable by the Judicial Magistrate First Class, without further commenting on merits, this Court is of the opinion that this is a fit case where the Applicant can be released on bail. Accordingly, the application is allowed and the accused/Applicant is directed to be released on bail on his furnishing a personal bond of Rs.50,000/- with one surety for the like sum to the satisfaction of the Court of the concerned Magistrate for his appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
V. JUDGE