

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7516 of 2018**

Vijay Dhariya S/o Shri Anjor Das Dhariya Aged About 32 Years R/o Village Bundela Police Station Chakarbhata District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Excise Circle Bilha, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant:

Ms. Jyoti Rathore, Advocate.

For State/Non-applicant:

Shri Adil Minhaj, Panel Lawyer.

Single Bench: Hon'ble Shri Sanjay Agrawal, J

Order On Board**11.10.2018**

1. This is the first bail application filed by the Applicant under Section 439 of Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Cr.P.C.') for grant of regular bail as he has been arrested on 20.09.2018 in connection with the crime No. 43/2018 registered in Police Station-Excise Circle Bilha, District-Bilaspur(C.G.) for the offence punishable under Sections 34 (1)(a), 34(2) and 52(a) of the Chhattisgarh Excise Act, 1915.

2. Case of the prosecution is that on the basis of secret information, a search was made on 20.09.2018, in which 10 bulk liters hand made liquor was recovered from the possession of the Applicant. Based upon which the alleged offence as mentioned hereinabove has been registered while arresting the Applicant on 20.09.2018.

3. Ms. Jyoti Rathore, learned counsel for the Applicant submits that the applicant is innocent and has been falsely implicated in connection with the said

crime. She submits further that the Applicant is in jail since 20.09.2018, therefore, he may be enlarged on bail.

4. On the other hand, Shri Adil Minhaj, learned counsel for the State while opposing the bail application submits that the offence is serious in nature and the alleged liquor was seized from his possession, therefore, the application as framed deserves to be rejected.

5. I have heard learned counsel for the parties and perused the entire case diary carefully.

6. Taking into consideration the totality of the circumstances and the fact that the quantity of seized liquor was 10 bulk liters and as the Applicant is in jail since 20.09.2018, therefore, I am inclined to enlarge the Applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.50,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed, the applicant shall be released on bail.

Sd/-

(Sanjay Agrawal)
JUDGE