

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9780 of 2018

- Santosh Sagar S/o Shri Dhanau Sagar Aged About 57 Years R/o Village Bhusadipali, Police Outpost Sonakhan, Thana Kasdol, Civil And Revenue District Balodabazar-Bhatapara Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through The Station House Officer, Police Outpost Sonakhan, Police Station Kasdol, Civil And Revenue District Balodabazar-Bhatapara Chhattisgarh

---- Respondent

For Applicant	: Shri Sumesh Shrivastava, Advocate
For State	: Shri Dhiraj Wankhede, Government Advocate

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

20.12.2018

1. The applicant has filed this bail application under Section 439 of the Code of Criminal Procedure, 1973 (in short 'the Code') for grant of bail as he is in custody in connection with Crime No. 576 of 2018, registered at Police Station Kasdol, Police Outpost- Sonakhan, district Baloda Bazar, Bhatapara for the offence punishable under Section 34 (2) of Chhattisgarh Excise Act, 1915.

2. As per case of the prosecution, on the basis of secret information received, Police made search and seized 10 bulk litres of hand made *Mahua* liquor from the agricultural field of the present applicant.

3. Heard learned counsel for the parties.

4. Learned counsel for the applicant submits that the alleged seizure of liquor has been made from open place, not from the exclusive possession of the present applicant. He has been falsely implicated in the case and he has not been involved in any manner in the aforementioned crime. He further submits that investigation is complete in this case and there is no criminal antecedents against the present applicant. Applicant is in jail since 16.10.2018.

5. On the other hand, learned counsel for the State opposes the prayer for grant of bail.

6. Considered the submissions made by learned counsel for the parties and perused the records. Considering the place of seizure which is an open place and also looking to the period of detention and also looking to the fact that there is no previous criminal track record against the applicant, I am of the view that it is a fit case to enlarge the accused/applicant on bail. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs. 10,000/- (Rupees ten thousand only) with one surety in the like sum to the satisfaction of the trial Court concerned for his regular appearance before the said Court on each and every date given by the Court.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
V. JUDGE