

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9833 of 2018

- Shivkumar Goriyar S/o Pitamber Goriyar Aged About 30 Years Caste Kanwar, R/o Village- Rohina, Police Station- Saraypali, Tahsil- Basana, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Saraypali, District- Mahasamund, Chhattisgarh.

----Non-applicant

For Applicant	:	Mr. Akhand Pratap Pandey, Advocate
For Respondent/State	:	Mr. Dhiraj Wankhede, GA

Hon'ble Smt. Justice Vimla Singh Kapoor

order On Board

17/12/2018

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of bail as he is in custody since 30.09.2018 in connection with Crime No. 361/2018 registered at Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Sections 34 (2) of the Chhattisgarh Excise Act.
2. As per the prosecution case, 20 liters of illicit country made liquor was recovered from the possession of the accused/applicant.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the case and he is languishing in jail since 30.09.2018. He further submits that the charge-sheet has already been filed in this case and therefore, the applicant may be granted bail.
4. On the other hand, State counsel opposes the bail application.

5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case and looking to the quantity of liquor recovered from the possession of the accused/applicant which comes to 20 liters, this Court is of the opinion that it is a fit case to release him on bail.
7. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

CC as per rules.

Sd/-

(Vimla Singh Kapoor)
V. Judge