

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3721 of 2019**

Prem Dhruv son of Ram Lal Dhruv, aged about 28 years, R/o village Arjuni PS Bhatapara, District Balodabazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Balodabazar, District Balodabazar-Bhatapara, (Chhattisgarh)

---- Non-Applicant

For Applicant	:	Shri Basant Kaiwartya, Advocate
For Non-Applicant	:	Shri Sudeep Verma, Deputy Government Advocate.

Hon'ble Shri Justice Parth Prateem Sahu**Order On Board**

03/06/2019

1. The applicants have preferred this application under Section 439 Cr.P.C. for grant of regular bail as they have been arrested in connection with Crime No. 306/2019 registered at Police Station- City Kotwali, Balodabazar, District Balodabazar-Bhatapara, on the allegation of having committed the offence punishable under Section 34 (2) of the Excise Act.
2. Case of the prosecution, in brief, is that the applicant has been found in illegal and unauthorized possession of 8.640 bulk litre of country made liquor.
3. Learned counsel for the Applicant submits that the country made liquor has been seized from an open place and not from exclusive physical possession of the Applicant. He has been falsely implicated in this case. He is in jail since 19.05.2019 and that he has no previous criminal track record. Though the investigation is not complete, further detention of the applicant is not necessary for completion of investigation. Therefore, at this stage, looking to the small

quantity of liquor alleged to be seized, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that as per the materials available and the case diary, there is no previous criminal track record of the Applicant registered in the concerned police station. However, since the unauthorized liquor was seized from the possession of the applicant, a *prima facie* case is made out. Investigation is not complete, therefore, at this stage the bail application may be rejected.
5. Considering the totality of case, particularly, the fact that this is the first offence committed by the Applicant and there is no previous track record of having committed similar offence, and that further detention of applicant is not necessary for completion of investigation and that the Applicant is in jail since 19.05.2019, this Court is of the opinion that present is a fit case where the applicants should be enlarged on bail.
6. Accordingly, the bail application is allowed. It is directed that on applicant furnishing a personal bond in the sum of Rs. 10,000/- with two local sureties in the like sum to the satisfaction of the Court below concerned, he be released on bail for his appearance before the Court below concerned as and when directed. The applicant shall fully cooperate with the investigation and shall appear before the police authorities as and when directed, failing which the bail granted to them would be liable to be rejected.
7. Certified copy, as per rules.

Sd/-
(Parth Prateem Sahu)
Vacation Judge