

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2844 of 2021

Ballu Rathiya @ Kartik Ram Rathiya, S/o. Shri Hemsay Rathiya, Aged About 30 Years, R/o. Village - Saraipali, Thana- Punjipathra, District Raigarh, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through Station House Officer, Police Station - City Kotwali Raigarh, District Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Gagan Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

21.05.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.480/2021 registered at Police Station- City Kotwali, Raigarh, District Raigarh (C.G.) for the offence punishable under Sections 34(2), 59(A) of the Chhattisgarh Excise Act.
2. As per the prosecution case, on a raid being conducted on 27.03.2021, from the possession of the applicant, total 10.800 bulk liters of illicit liquor was seized.
3. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case, he is in jail since 27.03.2021 and the seizure has already been made, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Considering the facts & circumstances of the case, taking into the quantity of seized liquor and the fact that applicant is in jail since 27.03.2021, I am inclined to release the applicant on bail. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
6. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.15,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Vacation Judge