

**(2019) 05 CHH CK 0030**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 3470 Of 2019

Banwali Agrawal

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision:** May 24, 2019

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Chhattisgarh Excise Act, 1915 - Section 34(2)

**Hon'ble Judges:** Rajani Dubey, J

**Bench:** Single Bench

**Advocate:** Priya Sharma, Ravi Bhagat

**Final Decision:** Allowed

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**Judgement**

Rajani Dubey, J

1. Heard.

2. The applicant has preferred this bail application filed under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.70/2019 registered in Police Station Patan, District Durg, for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act.

3. Case of the prosecution, in short, is that on the basis of secret information the police intercepted the applicant and seized 5.22 bulk liters of illicit country made liquor from his possession.

4. Learned counsel for the applicant would submit that the applicant is innocent and he has been falsely implicated in the case. The offence is tribal by Magistrate. Therefore, the applicant deserves to be released on bail.

5. Shri Ravi Bhagat, learned Dy. Govt. Advocate appearing for the State, per contra, would oppose the application for grant of bail.

6. Having regard to the facts situation of the case, particularly considering the fact that the applicant is in detention since 18-4-2019, this Court is

inclined to release him on bail. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal

bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one surety for the like amount to the satisfaction of the trial Court. He is

directed to appear before the trial Court on each and every date given by the said Court.