

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2550 of 2016**

Prem Lal, S/o Mukund, aged about 44 years, Caste-Yadav,
R/o Village- Jamni Muda, Present address- Bandhakhar,
Police Station -Pali, Civil and Revenue District – Korba
(C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through: Station House Officer,
Police Station – Pali, District Korba (C.G.)

-----Non-applicant

For Applicant:	Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant/State:	Mr. Anil S. Pandey, Dy. Advocate General.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****02/06/2016**

Heard.

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 46/2016 registered at Police Station Pali, District- Korba (C.G.) for the offence punishable under Section 34(2) of the C.G. Excise Act.

(2) Case of the prosecution, in brief, is the applicant was found in illegal possession of 70 bulk liters country made liquor and thereby committed the offence.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as nothing has been

seized from his possession. He further submits that investigation has been completed and the charge sheet has already been filed and no further custodial interrogation is required and, therefore, the applicant may be released on bail as he is in jail since 4.3.2016.

(3) On the other hand, counsel for the State opposes the prayer for bail and submit that the applicant is habitual offender; and three criminal cases are already registered and pending against the applicant for commission of various offences under Indian Penal Code and the Excise Act and, therefore, the applicant is not entitled to be released on bail.

(4) Taking into consideration the facts & circumstances of the case, period of detention and the fact that charge sheet has already been filed & no custodial interrogation is required, I am inclined to release the applicant on bail.

(5) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed, the applicant shall be released on bail, subject to following conditions:

- That, the applicant shall furnish a specific undertaking that while on bail, he will not commit any excise offence, otherwise bail granted to him shall be liable to be cancelled and shall co-operate the prosecution during trial.
- That, the accused/applicant shall make himself available

for interrogation before the concerned Investigating Officer as and when required and the accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

- That, the accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

Certified copy, as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Vacation Judge

D/-